रजिस्ट्री संख्या डी. एल.—33001/94 REGD. NO. D.L.-33004/94

सत्यमेव जयते

भारत का राजपत्र
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No. 39] NEW DELHI, SATURDAY, SEPTEMBER 24, 1994/ASVINA 2, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

आयकर महानिदेशक (छूट) का कार्यालय

कलकत्ता, 2 फरवरी, 1994

आयकर

का. आ. 2429.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है —

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जि. के क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1)में दी गई रिसर्च किया से सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

डा. विक्रम ए साराभाई ए एम ए मेमोरियल ट्रस्ट
टोरेन्ट-ए एम ए मैनेजमेंन्ट सेन्टर
भीखू भाई चेम्बर्स, पंजाबी-हाल के विपरीत
नवरंग पुरी- अहमदाबाद-380009

यह अधिसूचना दिनांक 1-4-92 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी —

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किए गए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या 1022/एफ. सं. म. नि./आ. क. (छूट) जी-12/35(1) (iii) 93-94]

राजेन्द्र सिंह, उपनिदेशक

MINISTRY OF FINANCE

(Department of Revenue)

Calcutta, the 2nd February, 1994

INCOME TAX

S.O. 2429.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year, and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Dr. Vikram A. Sarabhai AMA Memorial Trust, Torrent-AMA Management Centre, Bhikhubhai Chambers, Opp. Punjabi Hall, Navrangpura, Ahmedabad-380009.

This Notification is effective for the period from 1-4-1992 to 31-3-1995

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval. to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1022/F. No. DG/IT(E)/G-12|35(1)(iii)|93-94]
R. SINGH, Dy. Director

कलकत्ता, 3 फरवरी, 1994

आयकर

का. आ. 2430.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है —

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया से सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

मेडिकल रिसर्च सेन्टर आफ बाम्बे हास्पिटल ट्रस्ट
12, मेरिन लाइन्स, बम्बई-20

यह अधिसूचना दिनांक 1-4-93 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी —

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है कि माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या 1023 (एफ. सं. म. नि./आ. क. (छूट) एम-1/35(1) (ii) 89]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 3rd February, 1994

INCOME TAX

S.O. 2430.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activites to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Medical Research Centre of Bombay Hospital Trust, 12, Marine Lines, Bombay-20.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1023 (F. No. DG/IT(E)/M-1/35(1)(ii)/89)]

R. SINGH, Dy. Director

कलकत्ता, 3 फरवरी, 1994

आयकर

का. आ. 2431.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 क धारा 35 क उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "विश्वविद्यालय" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक/अनुसंधान विभाग और (ग) आयकर आयुक्त आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

मैंगलोर यूनिवर्सिटी
मंगल गंगोत्री-574199
कर्नाटक

यह अधिसूचना दिनांक 1-4-92 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी:—

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है कि माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या : 1024/एफ. सं. म. नि./आ. क. (छूट) के-टी25 / 35(1)(ii)/90]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 3rd February, 1994

INCOME TAX

S.O. 2431.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "University" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Ex-

emptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Mangalore University, Mangalaganotri-574199, Karnataka.

This Notification is effective for the period from 1-4-1992 to 31-3-1995.

Notes : Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1024/F. No. DG/IT(E)/KT-25|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2432.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

कुण्डलिनी रिसर्च एसोसिएशन इन्टरनैशनल
(इण्डियन चैपटर),
562 कटरा नीलचण्डी चौक
दिल्ली

यह अधिसूचना दिनांक 5-5-93 से 31-3-94 तक की अवधि के लिए प्रभावी है ।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को सीमा प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[सं० 1025/एफ सं० म०नि०/आ०क०(छूट) न/नि/119/35(1)(ii)/94]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME TAX

S.O. 2432.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Kundalini Research Association International (Indian Chapter) 562, Katra Neel Chandi Chowk, Delhi.

This Notification is effective for the period from 5-5-93 to 31-3-94.

Notes : (1) Condition (i) above will not apply to organisations categories as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions). having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1025 (F. No. DG/IT(E)/ND-119/35(1)(ii)|94)]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2433:—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

धर्मशाला कैंसर फाउन्डेशन एण्ड रिसर्च सेन्टर,
बी-1/40 सफदरजंग एनक्लेव
नयी दिल्ली-110029

यह अधिसूचना दिनांक 13-12-1993 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या 1025 (एफ. सं. म. नि. /आ. का (छूट)/एन डी-110/35(1)(ii)/93]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st Feebruary, 1994

INCOME TAX

S.O. 2433.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Dharmshilla Cancer Foundation and Research Centre, B-1/40, Safdarjung Enclave, New Delhi-110029.

This Notification is effective for the period from 13-12-93 to 31-3-95.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1025 (F. No. DG/IT(E)/ND-118/35(1)(ii)/93)]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का.आ. 2434.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू महरौली रोड, नई दिल्ली – 110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर, तक लेखा – परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिसर्च कार्यों संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल इन्स्टीट्यूट आफ मेन्टल हेल्थ एंड निउरो साइसेंस,
होसूर रोड, बंगलौर – 560029

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र के 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1027 (एफ. सं. म.नि./आ.क., (छूट) केटी-8/35(1) (ii)/89]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME TAX

S.O. 2434.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Mental Health and Neuro Sciences, Hosur Road, Bangalore-560029.

This Notification is effective for the period from 1-4-93 to 31-3-96.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1027 (F. No. DG/IT(E)/KT-8/Cal/35(1)(ii)/89)]

R. SINGH, Dy Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2435—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक, विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरोली-रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

आर्गेनान रिसर्च सेन्टर,
7 वुड स्ट्रीट, कलकत्ता-16

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा सवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1028/एफ. सं. म. नि./आ.क. (छूट)पब-24/35 (1)(ii)/90]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME TAX

S.O. 2435.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Organon Research Centre,
7, Wood Street, Calcutta-16.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1028/F. No. DG/IT(E)/WB-24|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता 21 फरवरी, 1994

आयकर

का. आ. 2436 .—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम नियम के 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मैहरौली रोड़, नई दिल्ली-110016 को भेजेगा ; और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

दी इन्स्टीट्यूट आफ रोड़ ट्रान्सपोर्ट,
तारामणी, मद्रास- 600113

यह अधिसूचना दिनांक 1-4-93 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी:—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार से उक्त संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढाने के संबंध में किए गए आवेदन-पत्र की 6 प्रतियां सचिव वैज्ञानिक और औद्योगिक अनुसंधान को प्रस्तुत करना है ।

[संख्या 1029/एफ. सं. म. नि. /आ. क. (छूट)/टी एन-1/35 (1)(ii)/89]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME TAX

S.O. 2436.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (i) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

The Institute of Road Transport,
Taramani, Madras-600113.

This Notification is effective for the period from 1-4-1993 to 31-3-1995.

Notes : Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1029/F. No. DG/IT(E)/TN-1/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2437—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "विश्वविद्यालय" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रौद्योगिकी' भवन" न्यू मैहरोली रोड़, नई दिल्ली 110016 को भेजेगा,

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर, अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च सम्बन्धित छूट के बारे में लेखा-परीक्षित आय व्यय के हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

अन्ना यूनिवर्सिटी
मद्रास—600025

यह अधिसूचना दिनांक 1-4-90 से 31-3-93 तक की अवधि के लिए प्रभावी है ।

टिप्पणी :—1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अपने अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या 1030 एफ/सं. म.नि./आ. क. (छूट)/टी एन-33/कल/35 (1) (ii)/90]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME-TAX

S.O. 2437.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Universi y" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Anna University, Madras-600025.

This Notification is effective for the period from 1-4-90 to 31-3-93.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval shou'd be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1030 (F. No. DG/IT(E)/TN-33/Cal|35(1)(ii)|90)]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2438—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रोद्योगिकी भवन" न्यू मेरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय - व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

संजय गांन्धी इन्स्टीट्यूट आफ एक्सीडेन्ट रिहैबिलिटेशन एण्ड फिजिकल मेडिसिन, चौथा तल, टी ब्लाक, जय नगर, बंगलौर—560041

यह अधिसूचना दिनांक 13-12-93 से 31-3-95 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की 6 प्रतियां सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या :1031 एफ सं. म. नि./आ. का. (छूट) केटी 41-कल 35(1) (ii)/(92)]

राजेन्द्र सिंह, उप निदेशक

INCOME TAX

Calcutta, the 21st February, 1994

S.O. 2438.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research. 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Sanjay Gandhi Institute of Accident Rehabilitation and Physical Medicine, 4th 'T' Block, Jayanagar, Bangalore-560041.

This Notification is effective for the period from 13-12-93 to 31-3-95.

Notes : Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1031/F. No. DG/IT(E)/KT-41|Cal|35(1)(ii)|92]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2439.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम, के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;

(ii) वह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली 110016 को भेजेगा, और

(iii) वह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सांबंधित छूट के बारे में लेखा-परीक्षित आय व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

अकादमी ऑफ संस्कृत रिसर्च,
मेलोकोट—571431
जिला मन्दा, कर्नाटक

यह अधिसूचना दिनांक 1-9-93 से 31-3-95 तक की अवधि के लिए प्रभावी है

टिप्पणी 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन, पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1032/एफ सं. म. नि. आ. क. (छूट)/केटी—45/35(1) (iii)/(93)]

गजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME TAX

S.O. 2439.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category "Institution" subject to the following conditions:—

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi 110 016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub section (1) of Section 35 of Income-tax Act, 1961

NAME OF THE ORGANISATION :

Academy of Sanskrit Research. Melkote-571431, Mandya Distt. Karnataka.

This Notification is effective for the period from 1-9-1993 to 31-3-1995.

Notes : Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta throurh the Commissioner of Income-tax/Director of Income tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1032/F. No. DG/IT(E)/KT-45|35(1)(iii)|93]

R. SINGH, Dy. Director

कलकत्ता, 21 फरवरी, 1994

आयकर

का. आ. 2440.—सर्वसाधारण की एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम, के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है ।

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू मैहरोली रोड, नई दिल्ली 110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट); (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा – परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

किंग एड वर्ड VII मेमोरियल हास्पिटल एवं सेठ जी एस मेडिकल कालेज रिसर्च सोसाइटी 31, के. ई. एम. अस्पताल, बम्बई-400012

यह अधिसूचना दिनांक 1-4-93 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिसके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन –पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या 1033 (एफ.) सख्या म. नि. आ-क. (छूट) एम/85/35(1)(ii)(90)]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 21st February, 1994

INCOME-TAX

S.O. 2440.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

King Edward VII Memorial Hospital
and Seth G. S. Medical College
Research Society,
31, K.E.M. Hospital, Bombay-400012.

This Notification is effective for the period from 1-4-1993 to 31-3-1995.

Notes—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemption) Calcutta through the Commissioner (Exemptions) having jurisdiction over the organaisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1033/F. No. DG/IT(E)/M-85/35(1)(ii)/90]

R. SINGH, Dy. Director.

कलकत्ता, 25 फरवरी, 1994

आयकर

का. आ. 2441.—सर्वसाधारण की एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्य के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्य का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक, भवन, न्यू मेहरोली रोड़, नई दिल्ली 110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

जसलोक हास्पिटल एण्ड रिसर्च सेन्टर
15, डा. जी. देशमुख मार्ग,
बम्बई-400026

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—

(1) उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1034/एफ सं. म.नि./ आ. क. (छूट) एम 35/35(1) (ii)]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 25th February, 1994

INCOME-TAX

S.O. 2441.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Jaslok Hospital and Research Centre
15, Dr. G. Deshmukh Marg,
Bombay-400026.

This Notification is effective for the period from 1-4-1993 to 31-3-1996.

Notes—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1034/F. No. DG/IT(E)/M-35/35(1)(ii)]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी 1994

आयकर

का०आ० 2442.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) वह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा और

(iii) वह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

जगदेल साईंटिफिक रिसर्च फाउन्डेशन 35 सम्पांगी टैंक रोड, बंगलौर-560027

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1035 (एफ०सं० म०नि०/आ०क० (छूट) केटी-10/35(1)(ii) 89)/(आक (छूट)]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 25th February, 1994

INCOME-TAX

S.O 2442.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year : and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities or which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Jagdule Scientific Research
Foundation,
35 Sampangi Tank Road,
Bangalore-560027.

This Notification is effective for the period from 1-4-1993 to 31-3-1996.

Notes—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1035|F. No. DG|IT(E)|KT-10|35(1)(ii)|89-89-IT(E)]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी, 1994

आयकर

का०आ० 2443.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन "न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

एयरोनाटिकल डेवेलपमेंट एजेन्सी, पो० बा० नं० 1718, विमनापुरा, पो० बंगलौर-560017 ।

यह अधिसूचना दिनांक 1-4-94 से 31-3-95 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या : 1036 /एफ० सं० म०नि०/आ०क० (छूट)केटी-33/35(1)(ii)90]

राजेन्द्र सिंह, उप निदेशक,

INCOME-TAX

Calcutta, the 25th February, 1994

S.O. 2443.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditinns :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of of its research activities for which exemption was audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Aeronautical Development Agency,
P.B. No. 1718, Vimanapura Post,
Bangalore-560017.

This Notification is effective for the period from 1-4-1994 to 31-3-1995.

Notes—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1036/F. No. DG/IT(E)/KT-33|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी, 1994

आयकर

का० आ० 2444.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब की भी प्रस्तुत करेगा ।

संगठन का नाम

सेन्टर फार डेवलपमेंट आफ एडवान्स्ड कम्प्यूटिंग पुने यूनिवर्सिटी कैम्पस, गनेश खिंड रोड, पुने-411 007

यह अधिसूचना दिनांक 1-1-93 से 31-3-96 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या : 1037 /एफ०सं० म०नि०/आ०क० (छूट) एम-143/35(1)(iii)]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 25th February, 1994

INCOME-TAX

S.O. 2444.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Assoication" subject to the folloing conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Development of
Advanced Computing,
Pune University Campus,
Ganesh Khind Road,
Puna-411007.

This Notification is effective for the period from 1-4-1993 to 31-3-1996.

Notes : (1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1037/F. No. DG/IT(E)/M-143/35(1)(iii)]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी 1994

आयकर

का०आ० 2445.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग 'प्रौद्योगिकी भवन' न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त-आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब की भी प्रस्तुत करेगा।

संगठन का नाम

दि रिसर्च सोसाइटी आफ दी बाम्बे कालेज आफ फार्मेसी, कलीना, सान्ताक्रूज (ईस्ट), बम्बई-500093

यह अधिसूचना दिनांक 1-4-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. अपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रति में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या/1038 (एफ० सं म.नि/.आ०क. (छूट) एम-81/35(1)(ii) 90]

राजेन्द्र सिंह, उप निदेशक

INCOME-TAX

Calcutta, the 25th February, 1994

S.O. 2445.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Research Society of
The Bombay College of Pharmacy,
Kaline, Santacruc (East),
Bombay-500093.

This Notification is effective for the period from 1-4-1992 to 31-3-1994.

Notes—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1038/F. No. DG/IT(E)/M-82|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी 1994

आयकर

का०आ० 2446.— सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 39 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदन किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दि बान्द्रा होली फैमिली मेडिकल रिसर्च सोसाइटी सेंट एन्ड्रूज रोड, बांन्द्रा, बम्बई-400050

यह अधिसूचना दिनांक 1-4-93 से 31-3-93 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1039 /एफ० सं०/म.नि./अ०क./(छूट) एम-93/35(1)(ii)90]

राजेन्द्र सिंह, उप निदेशक

INCOME-TAX

Calcutta, the 25th February, 1994

S.O. 2446.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Bandra Holy Family Medical Research Society,
St. Androw's Road, Bandra,
Bombay-400050.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

Notes—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1039/F. No. DG/IT(E)/M-93|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता, 25 फरवरी, 1994

आयकर

का०आ० 2447.—सर्वसाधारण की एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

पैन एशियन मैनेजमेंट एण्ड रूरल रिसर्च आर्गे० 3 सी/22, रोहतक रोड, नई दिल्ली-110005

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या/1042/3 एफ.सं./म०नि०/आ०क. (छूट) वि-65/35(1)(iii)90]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 25th February, 1994

INCOME-TAX

S.O. 2447.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October, each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research, activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Pan Asian Management and Rural
Research Organisation,
3C/22, Rohtak Road,
New Delhi-110005.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

Notes—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1040/F. No. DG/IT(E)/ND-65/35(1)(iii)/90]

R. SINGH, Dy. Director

आयकर आयुक्त का कार्यालय

कलकत्ता, 5 मई, 1994

अधिसूचना सं. 01/94-95

का.आ. 2448.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) एवं (2) में दिए गए शक्तियों का प्रयोग करते हुए तथा इस बारे में विद्यमान सभी आदेशों का अतिक्रमण करते हुये, मैं, आयकर आयुक्त प. ब. XI, कलकत्ता निदेश देता हूं कि निम्न अनसूची के स्तम्भ 2 में उल्लिखित आयकर अधिकारी, अन्य सभी आयकर अधिकारियों को छोड़कर उक्त अनुसूची के स्तम्भ 3 में दिए गए व्यक्ति या व्यक्तियों के वर्गों की या अथवा आय अथवा आय के वर्गों की अथवा क्षेत्रों की बाबत अपने कृत्यों का पालन तत्काल प्रभाव से अगले आदेश तक करेंगे ।

अनुसूची

क्र. सं.	आयकर अधिकारी का नाम व पदनाम	क्षेत्राधिकार
01.	आयकर अधिकारी वार्ड-1, बांकुड़ा	1. जन संपर्क अधिकारी एवं आदान एवं संवितरण अधिकारी से संबंधित सभी प्रशासनिक कार्य । 2. बांकुड़ा उप मण्डल एवं खातरा उपमंडल के नऐ एवं पुराने सभी व्यवसाय फाईल ।
02.	आयकर अधिकारी वार्ड-2, बांकुड़ा	1. बांकुड़ा जिले के सभी वेतन-भोगी व्यक्तियों । 2. विष्णुपुर उप-मण्डल के सभी वर्तमान एवं नए व्यवसाय फाईल । 3. टी डी एस. सेल से संबंधित सभी कार्य ।

[सं. एच-XI/जूर (रि मार्ग) 94-95]

पी. आर. राय, आयकर आयुक्त

OFFICE OF THE COMMISSIONER OF INCOME TAX

Calcutta, the 5th May, 1994

Notification No. 01/94-95

S.O. 2448.—In exercise of the powers conferred by sub-section (1) & (2) of section 120 of the I.D. Act, 1961 (43 of 1961) and in supersession of all existing orders on this subject, I, the Commisioner of Income-tax, WB-XI, Calcutta, hereby direct that the Income Tax Officer mentioned in column 2 of the schedule below, shall, to the exclusion of all other Income Tax Officers perform the function of the Income-Tax Officer in respect of the persons or classes of persons or of the incomes or classes of Income or of the area as mentioned in corresponding column 3 of the said schedule with immediate effect and until further orders.

SCHEDULE

S. No.	Designation of the Income Tax Officer.	Jurisdiction
1	2	3
1.	ITO, Wd-1, Bankura.	1. All administrative works relating to P.R.O. and D.D.O. 2. All business files—old and new of Bankura Sadar Sub-Division and Khatra sub-livision.
2.	ITO, Wd-2 Bankura.	1. All salaried persons of Bankura District. 2. All business files—existing and new of Bhishnupur sub-division. 3. All works relating to TD.S. Cell.

[No. HQ-XI/Jur.(Re-org.)94-95]

P. R. RAY, CIT

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 1 सितम्बर, 1994

का.आ. 2449.—आयकर अधिनियम, 1961 की धारा 36 की उपधारा (1) के खंड (viii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा इंडियन रीन्यूवेबल एनर्जी डेवलपमेंट एजेंसी लिमिटेड, 3 रिंग रोड (एफ एफ.) किलोकरी, महारानी बाग के सामने, नई दिल्ली-110014 को, कर निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए उक्त खंड के प्रयोजनार्थ एक कंपनी के रूप में अनुमोदित करती है ।

2. यह अनुमोदन इस शर्त पर दिया गया है कि कंपनी आयकर अधिनियम, 1961 की धारा 36(1) (viii) के अन्तर्गत उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी ।

[अधिसूचना सं. 9596/फा.सं. 204/34/94-आयकर नि. II]

अजय कुमार, अवर सचिव

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 1st September, 1994

S.O. 2449.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income-tax Act, 1961, the Central Government hereby approves Indian Renewable Energy Development Agency Limited, 3, Ring Road (FF), Kilokari, Opposite Maharani Bagh, New Delhi-110014 as a company for the purposes of the said clause for the assessment years 1995-96 to 1997-98.

2. The approval is subject to the condition that the company will conform to and comply with the provisions under section 36(1)(viii) of Income-tax Act, 1961.

[Notification No. 9596/F. No. 204/34/93-ITA-II]

AJAY KUMAR, Under Secy.

नई दिल्ली, 1 सितम्बर, 1994

का.आ. 2450.—आयकर अधिनियम, 1961 की धारा 56 की उपधारा (1) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा मेसर्स दिल्ली फाइनान्सियल कारपोरेशन, सरस्वती भवन, ई-ब्लाक, कनाट प्लेस, नई दिल्ली को कर निर्धारण वर्ष 1989-90 से 1995-96 तक के लिए उक्त खंड के प्रयोजनार्थ एक कंपनी के रूप में अनुमोदित करती है ।

2. यह अनुमोदन इस शर्त पर दिया गया है कि कंपनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के अंतर्गत उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 9597/फा.सं. 204/33/93-आयकर नि.-II]
अजय कुमार, अवर सचिव

New Delhi, the 1st September, 1994

S.O. 2450.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income-tax Act, 1961, the Central Government hereby approves M/s. Delhi Financial Corporation, Saraswati Bhawan, E-Block, Connaught Place, New Delhi as a company for the purpose of said clause for assessment years 1989-90 to 1995-96.

2. The approval is subject to the condition that the company will conform to and comply with the provisions under section 36(1)(viii) of Income-tax Act, 1961.

[Notification No. 9597/F No. 204|33/93-ITA.II]
AJAY KUMAR, Under Secy.

(व्यय विभाग)

नई दिल्ली, 5 सितम्बर, 1994

का.आ. 2451.—राष्ट्रपति, भारत के संविधान के अनुच्छेद 77 के खंड (3) के अनुसरण में, वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (चौथा संशोधन) नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 की अनुसूची 5 के उपाबंध में,—

(क) क्रम संख्यांक 21(ख) के सामने, स्तम्भ 4 में,—

(1) पैरा 2 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

"(2) केन्द्रीय सरकार के किसी विभाग को लेखन-सामग्री स्टोरों के स्थानीय क्रय के लिए पूरी शक्तियां होंगी,

(2) पैरा (4) के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

(4) उपर्युक्त पैरा (i) के उपबन्धों के अध्यधीन, संघ राज्य क्षेत्रों के प्रशासकों को लेखन सामग्री स्टोरों के स्थानीय क्रय के लिए पूरी शक्तियां होंगी।"

(ख) क्रम संख्यांक 26(क)(ii) के सामने विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :

उपाबंध

मद की क्रम सं.	व्यय की मद	धन की परिसीमा जिस तक व्यय उपगत किया जा सकता है।	नियम, आदेश, निबंधन या मान जिसके अधीन रखते हुए व्यय किया जाएगा
1	2	3	4
(2)	कम्प्यूटर (जिसके अन्तर्गत निजी कम्प्यूटर भी हैं)	1 लाख रु.	(1) केन्द्रीय सरकार के मंत्रालयों विभागों को कम्प्यूटर क्रय करने की पूरी शक्ति होगी। (2) कम्प्यूटर क्रय करने के लिए सक्षम प्राधिकारी यह सुनिश्चित करेगा कि क्रय की जाने वाली पद्धति राष्ट्रीय सूचना केन्द्र की पद्धतियों के अनुरूप है जिससे कि उनकी पद्धतियों और राष्ट्रीय सूचना केन्द्र की पद्धतियों के बीच, जिसके अन्तर्गत सरकार का कम्प्यूटर संसूचना नेटवर्क एन.आई.सी.एन.ई.टी. भी है, अंतरण, भंडारण और प्रसंस्करण सुकर बनाया जा सके।

(3) ऊपर (i) में निर्दिष्ट क्रय देशी कम्प्यूटरों तक निबंधित होगा और इलेक्ट्रानिक विभाग द्वारा इस निमित समय-समय पर जारी किए गए अनुदेशों के, यदि कोई हो, अधीन रहते हुए होगा ।

टिप्पण—जहां कोई प्राधिकारी कम्प्यूटर अपेक्षाओं की स्थल पर स्वतंत्र जांच करना आवश्यक समझता है वहां ऐसी जांच इलेक्ट्रानिक विभाग द्वारा कम्प्यूटर के मूल्य को ध्यान में लाए बिना की जाएगी ।

3. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 की अनुसूची 7 में,—

(क) "हानि की प्रकृति"—शीर्ष के अधीन स्तम्भ 1 में स्टोरों या लोकधन की अवमूलनीय हानियां और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

हानि की प्रकृति	प्राधिकारी	धन परिसीमा जिस तक हर एक दशा में हानि बट्टे खाते डाली जा सकेगी ।
1	2	3
"स्टोरों या लोकधन की अवमूलनीय हानियां	केन्द्रीय सरकार के विभाग	(क) 20,00,000 रु. के स्टोरों की उन हानियों के लिए जो चोरी, कपट या उपेक्षा के कारण नहीं हुई है । (ख) 2,00,000 रु. अन्य दशाओं के लिए
	संघ राज्य क्षेत्रों के प्रशासक	(क) 2,00,000 रु. के स्टोरों की उन हानियों के लिए जो चोरी, कपट या उपेक्षा के कारण नहीं हुई हैं । (ख) 50,000 रु. अन्य दशाओं के लिए ।

(ख) "हानि की प्रकृति" शीर्ष के अधीन स्तम्भ 1 में राजस्व की हानि या अवमूलनीय उधार और अग्रिम धन तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि रखी जाएंगी, अर्थात् :—

हानि की प्रकृति	प्राधिकारी	धन परिसीमा जिस तक हरएक दशा में हानि बट्टे खाते डाली जा केगी ।
1	2	3
"राजस्व की हानि या अवमूलनीय उधार और अग्रिम धन	राजस्व विभाग	(क) अवमूलनीय राजस्व की हानियों को बट्टे खाते डालने की पूरी शक्तियां । (ख) 50,000 रु . अन्य दशाओं के लिए
	केन्द्रीय सरकार के अन्य विभाग	50,000 रु.
	संघ राज्य क्षेत्रों के प्रशासक	50,000 रु.

(ग) "हानि की प्रकृति" शीर्ष के अधीन स्तम्भ 1 में स्टोरों या लोकधन की अवमूलनीय हानि (जिसके अन्तर्गत स्टाम्पों की हानि भी है) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

हानि की प्रकृति	प्राधिकारी	धन परिसीमा जिस तक हरएक दशा में हानि बट्टे खाते डाली जा सकेगी
1	2	3
स्टोरों या लोकधन की अवमूलनीय हानियां (जिनके अन्तर्गत स्टाम्पों की हानि भी है)	उनको छोड़कर जिनके पास विशेष शक्तियां हैं, विभागाध्यक्ष	(1) 20,000 रु. के स्टोर की उन हानियों के लिए चोरी, कपट या उपेक्षा के कारण नहीं हैं। (2) 10,000 रु. अन्य दशाओं लिए।

[सं. फा. 1(12)-ई/II/(ए)/94]

अनुराधा प्रसाद, अवर सचिव

टिप्पण : वित्तीय शक्तियों का प्रत्यायोजन नियम, 1970, जो अधिसूचना सं. 2131 तारीख 22 जुलाई, 1978 में प्रकाशित किए गए थे, तत्पश्चात निम्नलिखित द्वारा संशोधित किए गए हैं :

(1) अधिसूचना सं. का.आ. 1887, तारीख 9-6-1979
(2) अधिसूचना सं. का.आ. 2942, तारीख 1-9-1979
(3) अधिसूचना सं. का.आ. 2611, तारीख 4-10-1980
(4) अधिसूचना स. का.आ. 2164, तारीख 15-8-1981
(4) अधिसूचना सं. काअ.आ. 2304, तारीख 5-9-1981
(6) अधिसूचना सं. का.आ. 3073, तारीख 4-9-1982
(7) अधिसूचना सं. का.आ. 4171, तारीख 11-12-1982
(8) अधिसूचना सं. का.आ. 1314, तारीख 26-2-1983
(9) अधिसूचना सं. का.आ. 2502, तारीख 4-8-1984
(10) अधिसूचना सं. का.आ. 22, तारीख 5-1-1985
(11) शुद्धिपत्र सं. का.आ. 1950, तारीख 11-5-1985
(12) अधिसूचना सं. का.आ. 3082, तारीख 6-7-1985
(13) अधिसूचना सं. का.आ. 3974, तारीख 24-8-1985
(14) अधिसूचना सं. का.आ. 5641, तारीख 21-12-1985
(15) अधिसूचना सं. का.आ. 1548, तारीख 19-4-1986
(16) अधिसूचना सं. का.आ. 3184, तारीख 20-9-1986
(17) अधिसूचना सं. का.आ. 3787, तारीख 8-11-1986
(18) अधिसूचना सं. का.आ. 2508, तारीख 19-9-1987
(19) अधिसूचना सं. का.आ. 3092, तारीख 7-11-1987
(20) अधिसूचना सं. का.आ. 3581, तारीख 10-12-1988
(21) अधिसूचना सं. का.आ. 641, तारीख 17-3-1990
(22) अधिसूचना सं. का.आ. 1469, तारीख 26-5-1990
(23) अधिसूचना सं. का.आ. 2173, तारीख 18-8-1990
(24) अधिसूचना सं. का.आ. 3033, तारीख 17-11-1990
(25) अधिसूचना सं. का.आ. 3414, तारीख 22-12-1990
(26) अधिसूचना सं. का.आ. 534, तारीख 23-2-1991
(27) अधिसूचना सं. का.आ. 2235, तारीख 24-8-1991
(28) अधिसूचना सं. का.आ. 547(अ) तारीख 24-7-1992
(29) अधिसूचना सं. का.आ. 466, तारीख 13-3-1993
(30) अधिसूचना सं. का.आ. 1292, तारीख 12-6-1993
(31) अधिसूचना सं. का.आ. 685, तारीख 12-3-1994
(32) अधिसूचना सं. का.आ. 1232, तारीख 28-5-1994
(33) अधिसूचना सं. का.आ. 1945, तारीख 13-8-1994

(Department of Expenditure)

New Delhi, the 5th September, 1994

S. O. 2451.—In pursuance of clause (3) of article 77 of the constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely:-

1. (1) These rules may be called the Delegation of Financial Powers (Fourth Amendment) Rules, 1994

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule V to the Delegation of Financial Powers Rules, 1978, in the Annexure,—

(a) against serial number 21(b), in column 4,—

(i) for paragraph 2, the following paragraph shall be substituted, namely:—

"(2) A Department of the Central Government shall have full powers to make local purchases of stationery stores ";

(ii) for paragraph (4), the following paragraph shall be substituted, namely:-

"(4) Subject to the provision in paragraph (1) above, the Administrators of Union Territories shall have full powers to make local purchase of stationery stores ";

(b) for the existing entries against serial number 26(a)(ii), the following entries shall be substituted, namely:-

ANNEXURE

Serial No. of item	Item of expenditure	Monetary limit up to which expenditure can be incurred	Rules, orders, restrictions or scales subject to which the expenditure shall be incurred
1	2	3	4
"(ii)	Computers (including personal computers)	Rs. 1 lakh	(1) Ministries/Departments of the Central Government shall have full powers for purchase of computer(s). (2) The competent authority for the purchase of computers shall ensure that the system to be purchased is compatible with the systems of the National Informatics Centre (hereinafter referred to as NIC) so as to facilitate transfer, storage and processing of information between their systems and the NIC systems including NICNET, the computer communication network of the Government (3) The purchase referred to in (1) above shall be restricted to indigenous computers and shall be subject to the instructions if any, issued by the Department of Electronics from time to to time in this behalf NOTE—Where it is felt necessary by an authority to have an independent examination of inhouse computer requirements, the same shall be done by the Department Electronics irrespective of the value of the computer (s ').

3. In Schedule VII to the Delegation of Financial Powers Rules, 1978,—

(a) for the irrecoverable losses of stores or of public money in column 1 under the heading "Nature of loss" and entries relating thereto, the following entry shall be substituted, namely:-

Nature of loss	Authority	Monetary limit upto which the loss may be written off in each case
1	2	3
"Irrecoverable losses of stores or of public money	Departments of the Central Government	(a) Rs. 20,00,000 for losses of stores not due to theft, fraud or engligence (b) Rs. 2,00,000 for other cases.
	Administrators of the Union Territories	(a) Rs. 2,00,000 for losses of stores not due to theft, fraud or negligence. (b) Rs. 50,000 for other cases ";

(b) for Loss of revenue or irrecoverable loans and advances in column 1 under the heading "Nature of loss" and entries relating thereto, the following entry shall be substituted, namely:-

Nature of loss	Authority	Monetary limit upto which the loss may be written off in each case
1	2	3
"Loss of revenue or irrecoverable loans and advances	Department of Revenue	(a) Full powers to write off losses of irrecoverable revenue. (b) Rs 50,000 for other cases.
	Other Departments of the Central Government.	Rs. 50,000.
	Administrators of the Union Territories.	Rs. 50,000

(c) for irrecoverable losses of stores or public money (including loss of stamps) in column 1 under the heading "Nature of loss" and entries relating thereto, the following entry shall be substituted, namely:—

Nature of loss	Authority	Monetary limit upto which the loss may be written off in each case
1	2	3
"Irrecoverable losses of stores or of public money (including loss of stamps)	Heads of Departments other than those who have special powers	(i) Rs. 20,000 for losses of stores not due to theft, fraud or negligence. (ii) Rs. 10,000 for other cases "

[No. F. 1 (12)-E II (A)/94]

ANURADHA PRASAD, Under Secy.

NOTE: The Delegation of Financial Powers Rules, 1978 published vide Notification No. SO. 2131, dated 22nd July, 1978 have subsequently been amended by:—

(i) Notification No. S O. 1887, dated 9-6-1979
(ii) Notification No. SO. 2942, dated 1-9-1979
(iii) Notification No. SO. 2611, dated 4-10-1980
(iv) Notification No. SO. 2164, dated 15-8-1981
(v) Notification No. SO. 2304, dated 5-9-1981
(vi) Notification No. SO. 3073, dated 4-9-1982
(vii) Notification No. SO. 4171, dated 11-12-1982
(viii) Notification No. SO. 1314, dated 26-2-1983
(ix) Notification No. SO. 2502, dated 4-8-1984
(x) Notification No. SO. 22, dated 5-1-1985
(xi) Corrigendum No. SO. 1958, dated 11-5-1985
(xii) Notification No. SO. 3082, dated 6-7-1985
(xiii) Notification No. SO. 3974, dated 24-8-1985
(xiv) Notification No. SO. 5641, dated 21-12-1985
(xv) Notification No. SO. 1548, dated 19-4-1986
(xvi) Notification No. SO. 3183, dated 20-9-1986
(xvii) Notification No. SO. 3787, dated 8-11-1986
(xviii) Notification No. SO. 2508, dated 19-9-1987
(xix) Notification No. SO. 3092, dated 7-11-1987
(xx) Notification No. SO. 3581, dated 10-12-1988
(xxi) Notification No. SO. 641, dated 17-3-1990
(xxii) Notification No. SO. 1469, dated 26-5-1990
(xxiii) Notification No. SO. 2173, dated 18-8-1990
(xxiv) Notification No. SO. 3033, dated 17-11-1990
(xxv) Notification No. SO 3414, dated 22-12-1990
(xxvi) Notification No. SO 534, dated 23-2-1991
(xxvii) Notification No. SO. 2235, dated 24-8-1991
(xxviii) Notification No. SO. 547 (E), dated 24-7-1992
(xxix) Notification No. SO. 466 (E), dated 12-3-1993
(xxx) Notification No. SO. 1292, dated 12-6-1993
(xxxi) Notification No. SO. 685, dated 12-3-1994
(xxxii) Notification No. SO. 1232, dated 28-5-1994
(xxxiii) Notification No. SO. 1945, dated 13-8-1994

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 24 अगस्त, 1994

का.आ. 2452.—केन्द्रीय सरकार की, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि प्रसंस्कृत मांस उत्पादों को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाया जाए,

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अत अब, केन्द्रीय सरकार उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को ऐसे लोगों की जानकारी के लिए प्रकाशित करती है जिसके उनसे प्रभावित होने की संभावना थी।

यह सूचना दी जाती है कि कोई व्यक्ति जो उक्त प्रस्तावों के संबंध में कोई आक्षेप या सुझाव देना चाहता वह उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालिस दिनों के भीतर, निर्यात निरीक्षण परिषद 11वीं मंजिल, प्रगति टावर, 26, राजेन्द्र प्लेस, नई दिल्ली-110 008 को भेज सकता है।

प्रस्ताव

1. यह अधिसूचित करना कि प्रसंस्कृत मांस उत्पाद निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,

2. क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश से संलग्न उपाबंध में उपवर्णित प्रसंस्कृत मांस उत्पाद निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1994 के

प्रारूप के अनुसार ऐसे क्वालिटी नियंत्रण और निरीक्षण के प्रकार को रूप में विनिर्दिष्ट करना, जो कि ऐसे प्रसंस्कृत मांस उत्पादों पर निर्यात से पूर्व लागू होगा।

3. इस आदेश की अनुसूची में उपवर्णित विनिर्देशों को प्रसंस्कृत मांस उत्पादों के लिए मानक विनिर्देशों के रूप में मान्यता देना।

4. अंतर्राष्ट्रीय व्यापार के दौरान प्रसंस्कृत मांस उत्पादों के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि ऐसे प्रसंस्कृत मांस उत्पादों के पैकेजों या आधानों पर केन्द्रीय सरकार द्वारा मान्यता प्राप्त कोई ऐसा चिन्ह या सील चिपकाई या लगाई न गयी हो कि वह उसे लागू मानक विनिर्देशों के अनुरूप है और उसके साथ भारत सरकार के कृषि विपणन सलाहकार या निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित या मान्यता प्राप्त किसी भी अभिकरण द्वारा या राज्य सरकार के पशुपालन निदेशालय द्वारा जारी इस आशय का प्रमाणपत्र न लगा हो कि ऐसे प्रसंस्कृत मांस उत्पाद यथास्थिति उपरोक्त मानक विनिर्देशों या निर्यात संविदा में अनुबद्ध किन्हीं अन्य विनिर्देशों के अनुरूप है और निर्यात योग्य हैं।

5. इस आदेश की कोई भी बात भावी क्रेताओं को भू-मार्ग, जल मार्ग या वायु मार्ग द्वारा प्रसंस्कृत मांस उत्पादों के उन सदभावी नमूनों के निर्यात पर लागू नहीं होगी जिनका पोत पर्यन्त निःशुल्क मूल्य पांच हजार रुपए से अधिक नहीं होगा।

6. इस आदेश के प्रयोजनों के लिए "प्रसंस्कृत मांस उत्पादों" से ऐसे मांस उत्पाद अभिप्रेत हैं। ताजे, द्रुतशीतित हिमशीतित कीमा/पिसे मांस को छोड़कर) जो मांस को क्यूरिंग, धूमन, डिब्बा बंद करने, पकाने, निर्जलीकरण तथा नमक, मसालों तथा एज्नाइमस को या तो अलग-अलग या मिश्रित रूप से मिलाने जैसी प्रक्रियाओं के अंतर्गत तैयार किया गया है।

उपाबंध

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्तावित नियमों का प्रारूप)।

संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का नाम संक्षिप्त नाम प्रसंस्कृत मांस उत्पाद निर्यात (क्वालिटी नियंत्रण) और निरीक्षण) नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषा:—इन नियमों में, जब तक कि संदर्भ से, अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है

(ख) "अभिकरण" से क्वालिटी नियंत्रण या निरीक्षण या दोनों के लिए अधिनियम की धारा 7 के अधीन स्थापित या मान्यता प्राप्त कोई अभिकरण अभिप्रेत है

(ग) "पशु" से निम्न किसी भी जाति का पशुधन अभिप्रेत है, अर्थात्:—

(क) भैंस,
(ख) भेड़,
(ग) बकरी।

(घ) "अस्थि रहित मांस" से वह प्रसाधित मांस अभिप्रेत है जो कार्टराओं, हड्डियों उपास्थियों और पृथक्करणीय तंत्रिकाओं से मुक्त हो ।

(ङ) "पशु शव" से किसी पशु का वधित शरीर या उसका कोई अंग जिसके अंतर्गत अन्तरांग भी है, अभिप्रेत है।

(च) "डिब्बा बंद मांस उत्पादों" से समुद्रित आधानों में पैक किये गए ऐसे मांस उत्पाद अभिप्रेत हैं जिन्हें समुद्रण के पश्चात् इस सीमा तक उष्मोपचारित किया गया हो कि उसमें रखा उत्पाद सुरक्षित हो ।

(छ) "द्रुतशीतित" से अभिप्रेत है कि शव/टुकड़ा या कीमा का क्रोड तापमान किसी भी प्रक्रम पर 4 डिग्री सेलसियस से अधिक नहीं होगा ।

(ज) "कार्नड मांस" से भैंस का टुकड़े किया हुआ, संसाधित या हड्डी रहित शव मांस अभिप्रत है और जिसमें शीर्ष मांस, हृदय मांस तथा स्कर्ट मांस सम्मिलित होगा।

(झ) "टुकड़ों" से प्रसाधित शवों और हड्डियों रहित मांस से प्राप्त मांस अभिप्रेत है ।

(ञ) "खाद्य मांसावशिष्ट" से ऐसा मांसावशिष्ट और पोलट्री चर्म अभिप्रेत है जो मानव उपभोग के लिए उचित है और जिसमें फेफड़े सम्मिलित हैं किन्तु वे ऐसे पशु के नहीं हो जिसमें से फेफड़े निकाल कर गर्म पानी में निमज्जन द्वारा मांस-क्रमित किए गए हैं, इसमें पशु के कान, सिर की खाल प्रोथ को छोड़कर ओठ और थूथन, म्यूकस झिल्ली, स्नायु, जनन तंत्र, येन अंतड़ियां और मूत्राशय सम्मिलित होंगे।

(ट) "अर्धकाय" से कशेरु का अनुप्रस्थ प्रक्रिया द्वारा रीढ की हड्डी के बीच में से या रीढ़ की हड्डी को पृथक करके काटे गए/टुकड़े किये गए बराबर भाग में बांटे गए शव अभिप्रेत हैं ।

(ठ) "समुद्रित आधानों" से ऐसे आधान अभिप्रेत है जो कि अच्छी तरह सील किया गया है, दृढ और अपारगम्य है और वह उसमें रखे गए उत्पाद के लिए उचित सामग्री का बना हुआ है ।

(ङ) "निरीक्षण अधिकारी" से केन्द्रीय सरकार, राज्य सरकार, स्थानीय निकायों का अर्हता प्राप्त पशु चिकित्सक या इस प्रयोजन के लिए उपयुक्त अभिकरण द्वारा नियुक्त या मान्यता प्राप्त कोई अधिकारी अभिप्रेत है ;

(च) "लंचन मांस" से चूरा तथा संसाधित मांस अभिप्रेत है और जिसमें खाद्य मांस व शिष्ट या पोलट्री मांस सम्मिलित होगा जो उष्मोपचारित होगा और यह सुनिश्चित करते हुए पैक किया जायेगा कि उत्पाद लोक स्वास्थ्य के लिये कोई संकट उत्पन्न नहीं करता और भण्डारकरण तथा परिवहन की दशाओं में स्वास्थ्यकर रहता है;

(ण) "मांस" से भैंस, भेड़ और बकरी के खाद्य मांसावशिष्ट सहित किसी पशु के खाद्य अंग अभिप्रेत है;

(त) "कीमा मांस" से भैंस, भेड़ या बकरी के हड्डी रहित मांस से प्राप्त एक समान दोनों का चूरा मांस अभिप्रेत है ;

(थ) "शुद्ध भार" से पैकिंग के समय प्रसंस्कृत मांस का भार अभिप्रेत है किन्तु उसके अंतर्गत आधान और पैकिंग सामग्री का भार नहीं है;

(द) "अन्यथापिक किया गया" से किसी भी लचीली पैकिंग में पैक किया गया प्रसंस्कृत मांस अभिप्रेत है जो कि उत्पाद की क्वालिटी को प्रभावित नहीं करता;

(ध) "पैकेज" से ऐसी सामग्री से विनिर्मित आधान में पैक किया हुआ अभिप्रेत है जो कि उठाई-धराई की सामान्य दशा में संदूषण नहीं करेगी ;

(न) "पोलट्री" से फालतू पक्षी अभिप्रेत है जिसमें मुर्गे, टर्की, बतख, ग्रीस, गिन्नी, कक्कूट, बटेर सम्मिलित हैं ;

(प) "क्वार्टर" "(चौथाई) से अभिप्रेत है शव का चौथा भाग या शव के एक तरफ से काटे गए टुकड़ों के आधे का आधा हिस्सा और सामान्य रूप से उग्र तथा पश्च क्वार्टरों के रूप में श्रेणीकृत किया जाता है ;

(फ) "पशु वध" से अभिप्रेत है किसी अनुज्ञप्त वधशाला में, जहां पशु की वध से पूर्व तथा वध के पश्चात् जांच की जाती है, खाने के लिए, पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 का 54) के उपबन्धों से संगत मानवीय ढंग से किसी पशु का वध करना,

(ब) "वधशाला या कसाई खाना" से ऐसा कोई परिसर अभिप्रेत है जो मानव उपभोग के लिए आशयित पशुओं के वध के लिए स्थानीय प्राधिकारी द्वारा अनुज्ञप्त है।

3. क्वालिटी नियंत्रण और निरीक्षण:—निर्यात के लिए आशयित प्रसंस्कृत मांस का यह सुनिश्चित करने की दृष्टि से क्वालिटी नियंत्रण किया जाएगा कि वह अधिनियम की धारा 6 के अधीन सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुरूप है।

4. कसाई खाने की अपेक्षाएं:—निर्यात के लिए प्रसंस्कृत मांस की क्वालिटी आश्वस्त करने के प्रयोजन के लिए, यह सुनिश्चित किया जायेगा कि कसाईखाना जहां पशुओं का वध किया जाता है, निम्नलिखित अपेक्षाओं को पूरा करता है :—

(क) सभी कसाईखाने, जो निर्यात किये जाने वाले मांस के लिए उद्योगों को कच्ची सामग्री की अपेक्षाओं की पूर्ति करते हैं और जो इन नियमों के प्रारंभ की तारीख से विद्यमान हैं, भा० मा० 4393—1979 में "कसाईखाने की आधारभूत अपेक्षाएं में बताई गयी अपेक्षाओं को पूरा करेंगे।

(ख) इन नियमों की अधिसूचना की तारीख के पश्चात् निर्मित और और मांस के निर्यात के लिए कच्ची सामग्री सुनिश्चित करने के प्रयोजनों के लिए उपयोग में लाई जाने वाले कसाईखाने या वधशालाएं भा० मा० 4393—1979 की अपेक्षाओं का परिपालन करेंगे।

(ग) जहां इन नियमों की अधिसूचना की तारीख के पश्चात् कसाईखाने या वधशाला निर्यात के लिये मांस के स्त्रोत के प्रयोजन के लिये बने हैं और वे कसाईखानों के लिए स्वीकृत अंतरराष्ट्रीय मानकों के अनुरूप हैं वहां ऐसी यूनिटों को ऊपर उल्लिखित भा० मानकों के अनुरूप होना आवश्यक नहीं है और वह किसी भी अन्य स्वीकृत अंतरराष्ट्रीय मानकों के अनुपालन के आधार पर अनुज्ञापन पात्र होंगे।

(घ) ऐसे वर्तमान कसाईखानों की दशा में जो खंड (क) की अपेक्षाओं को इस समय पूरा नहीं करते हैं उन्हें इन नियमों के प्रारंभ की तारीख से तीन वर्ष की अवधि के भीतर अपेक्षाओं को पूरा करना होगा। किसी ऐसे कसाईखाने के लिये जो भा० मा० 4393—1979 के अनुरूप नहीं है न्यूनतम अपेक्षाएं अनुसूची—iv में अनुबद्ध अपेक्षा को पूरा करेंगे।

5. मरणोपूर्व तथा मरनोपरान्त निरीक्षण के लिए शर्तें: पशुओं का मरणोपूर्व तथा मरणोपरान्त निरीक्षण किसी अर्हित पशु चिकित्सक द्वारा किया जायेगा।

6. भंडारण: (1) शवों का आधा भाग/चौथाई भाग ठंडे कमरे में इस प्रकार टांगा जायेगा जिससे कि वह छत से कम से कम 30 सें०मी० दीवारों से 10 सें०मी० और फर्श से 10 सें०मी० दूर हो।

(2) प्रसंस्कृत मांस उत्पादों को इस प्रकार भण्डारित किया जायेगा कि वह सूक्ष्मजीवों की प्रचूर मात्रा की सहायता से दूषण को रोकेगा और उत्पाद को खराबी या आधान को टूटफूट से रोकेगी। प्रसंस्कृत मांस उत्पादों के कालिक निरीक्षण के दौरान अभिकरण यह सुनिश्चित करेगा कि वे उत्पाद जो मानव उपभोग के लिए उचित है वे प्रेषित किये जा चुके हैं और वह अन्य उत्पाद विनिर्देशों का अनुपालन करेंगे जब वे विद्यमान हों। वे लॉट संख्यांक के क्रम से प्रेषित किये जायेंगे।

(3) प्रसंस्कृत मांस उत्पादों के लिये प्रयुक्त आधानों को भण्डारित करने के लिये स्वच्छता अपेक्षाओं को पूरा करने वाली सुविधाएं इस प्रकार की होंगी कि न तो उत्पाद न ही आधान सीधे फर्श के सम्पर्क में आएंगे।

(4) जहां प्रसंस्कृत मांस उत्पाद द्रुतशीतित कक्ष में रखे जाते हैं वहां निम्नलिखित उपबंध लागू होंगे, अर्थात्:—

(क) दक्षतापूर्वक प्रचालन के लिए आवश्यक कर्मचारियों को ही प्रवेश करने दिया जाए।

(ख) दरवाजे अधिक समय तक खुले नहीं रहेंगे तथा प्रयोग के तुरन्त पश्चात् बंद कर दिये जायेंगे।

(ग) प्रसंस्कृत मांस उत्पादों को रखने के लिये प्रयुक्त आधानों को सीधे ही फर्श पर नहीं रखा जायेगा।

(ग) उत्पाद के मध्य भाग को खराब होने से बचाने के लिए गर्म उत्पादों को बड़े आधानों में पैक करने से पूर्व द्रुतशीतित किया जाएगा। प्रसंस्कृत मांस उत्पादों के सभी पैकेजों को शीघ्र ठण्डा करने और नान शेल्फ स्थिर प्रसंस्कृत मांस उत्पादों को द्रुतशीतन तापमान पर रखना आवश्यक है। उन्हें पैलट्स या डनेज (निभार) पर उस तरीके से रखा जाएगा कि वहां पर्याप्त वायु परिसंचलन हो।

(ङ) किसी भी द्रुतशीतन कक्ष को उसकी निर्धारित क्षमता से अधिक नहीं भरा जायेगा।

(च) जहां प्रशीतक उपकरण की व्यवस्था नहीं है वहां स्वचालित तापमान रिकार्डर लगाए जाने चाहिये। यदि कोई भी स्वचालित युक्ति नहीं लगाई जाती है तो तापमान नियमित अंतरालों पर देखा जाएगा और रीडिंग को एक लॉग बुक में अभिलिखित किया जाएगा।

7. मांस प्रसंस्करण संयंत्र की स्वच्छता संबंधी और अन्य अपेक्षाएं : परिसर स्थानीय प्राधिकारी द्वारा अनुमोदित और रजिस्ट्रीकृत प्रसंस्करण एकक के लिये उपयुक्त होगा।

7.1 परिसर नीचे ढलान वाले किसी ऐसे क्षेत्र में अवस्थित नहीं होगा जिसमें बार-बार बाढ़ आती हो।

7.2 समस्त यार्ड, उपगम, भण्डार तथा कारखाने के सभी भाग हमेशा साफ और स्वच्छ दशा में रखे जाएंगे।

7.3 परिसर के भीतर सड़क पक्की होंगी।

7.4 जहां समुद्री उत्पाद, फल और सब्जी उसी क्षेत्र में रखी जाती है वहां परिसर, स्वच्छ स्थान पर अवस्थित होंगे। वह परिसर जहां मांस प्रसंस्कृत किया जाता है, पर्याप्त रूप से उस परिसर से विभाजित होगा जहां ये उत्पाद प्रसंस्कृत होते हैं या यदि वे उसी प्रसंस्करण हाल में सम्पन्न किये जाते हैं तो वहां विभिन्न प्रक्रियाओं के बीच सात दिन का अंतर होगा।

7.5 इनमें कुत्तों, बिल्लियों, कृन्तक, कीट, मक्खियों, कौआ, चमगादड़ और गिद्धों का प्रवेश निषिद्ध होगा। विष या चारे का प्रयोग उस स्थान पर प्रतिषिद्ध है जहां प्रसंस्करण किया जाता है या किसी अन्य पैक उत्पाद को भण्डारित किया जाता है।

7.6 परिसर का इस तरह से सनिर्माण और रखरखाव किया जायगा जिससे कि स्वास्थ्यकर प्रसंस्करण तथा प्रसाधन हो सके। शव मांस के प्रसंस्करण या पैकिंग संबंधी सभी क्रियाएँ कड़ी स्वास्थ्यकर दशाओं में और केन्द्रीय सरकार या अभिकरण के किसी अर्हित पशु चिकित्सक के पर्यवेक्षण में की जाएगी। मांस, फर्श, दीवारों और अन्य संरचनाओं के संपर्क में नहीं आएगा, उसको छोड़कर जो मांस के सम्पर्श के लिए विशेषकर निर्मित की गयी हैं। प्रसंस्करण क्षेत्र के किसी भी भाग का रहने या सोने के प्रयोजनार्थ तब तक कभी भी प्रयोग नहीं किया जाएगा जब तक कि वह किसी दीवार के द्वारा प्रसंस्करण प्रसाधन क्षेत्रों से अलग नहीं किया गया हो।

7.7 प्राधिकृत परिसरों के सभी भाग हमेशा साफ रखे जाएंगे, पर्याप्त रोशनी वाले होंगे, कार्य कक्षों में 220 लक्स तथा निरीक्षण क्षेत्रों में 550 लक्स सघनता होनी चाहिये जो हवादार होंगे तथा जिनकी नियमित रूप से सफाई की जायेगी और जो विसंक्रमित और निर्गन्धीकृत किए जायेंगे। परिसरों में सभी संचालनों के संतोषप्रद निष्पादन के लिए पर्याप्त कार्य स्थान होना चाहिये। फर्श, अप्रवेश्य, न फिसलने वाले होंगे और रोगाणुनाशक से उनकी प्रतिदिन धुलाई की जायेगी। फर्श का ढलान इस प्रकार से होना चाहिये कि जिससे तरल पदार्थ आसानी से बाहर निकल सकें और निकास द्वार ग्रिल द्वारा सुरक्षित होने चाहिये। केवल उन कक्षों में गिर नहीं होगी जहां मांस हिमशीतित किया जाता है या हिमशीतित का भण्डारित किया जाता है। यथास्थिति, सफेदी, रंग, धुलाई या रंगरोगन वर्ष में कम से कम एक बार अवश्य होना चाहिये। सत्यापन और निरीक्षण को सुकर बनाने के लिए इनको करने की तारीख की सूचना अभिकरण को अग्रिम रूप से दी जानी चाहिये फर्श दीवारें, छत, विभाजन, दरवाजे तथा सभी संरचनाओं के अन्य भाग ऐसी सामग्री, सन्निर्माण और फिनिश के होंगे जिससे कि वे शीघ्र और पूर्ण रूप से साफ किये जा सकें।

दीवारों पर 1.5 मीटर तक की ऊंचाई तक सफेद चमकदार टाइलें लगी होंगी जिससे कि गर्म पानी व रसायन युक्त रोगाणुनाशक से धुलाई की जा सके। अनुकल्पतः उपयुक्त

कोटिंग या सफाई संबंधी वस्तुएं सेरेमिक के स्थान पर प्रयुक्त की जा सकती है । दीवारें, दरारों विदरिकाओं तथा सीवन से मुक्त होंगी ।

7.8 मांस का प्रसंस्करण करने के लिये प्रयुक्त सभी संयंत्र क्षेत्रों को समुचित रूप से मक्खियों से सुरक्षित रखा जायेगा ।

7.9 छत स्थायी प्रकार की होगी जो धूल के एकत्रित होने को रोक सके । फफूंदी जमने, सफेदी फूटने और पपड़ी बनकर गिरने की प्रक्रिया को काफी कम कर सकेगा और आसानी से साफ की जा सके । जहां कहीं भी, सीढ़ियां हों वे ऐसी सामग्री से निर्मित होनी चाहियें जिसकी सरलता से और प्रभावी ढंग से सफाई की जा सके और उनकी सतही काट होनी चाहिये और न्यूनतम ऊंचाई 15 सें. मी. होगी ।

7.10 प्रसंस्करण क्षेत्र मकड़ियों व उसके जालों से मुक्त होंगे ।

7.11 वे कमरे और कक्ष जिनमें मांस का प्रसंस्करण और भण्डारण करना है, वे प्रसाधन कक्षों, स्नानागार, वाश बेसिन, उत्पाद भण्डाकरण पशुओं के बाड़े आदि से निकलने वाली धूल व दुर्गन्ध से मुक्त होंगे ।

7.12 उपस्कर ऐसे स्थान पर रखे जाने चाहिये कि सफाई के लिए उनका भली भांति निरीक्षण किया जा सके । मारे गये पशुओं के शवों के प्रसाधन के लिए प्रयुक्त होने वाले मेजें और उपस्कर ऐसी सामग्री से बने होंगे जो सरलता से साफ किये जा सकें, निर्गमित हों और जल के लिए अप्रवेश्य हों, रसायन और जुग प्रतिरोधी तथा समतल हों । खाद्य या बेकार सामग्री को रखने के काम आने वाले उपस्करों और बर्तनों की अलग पहचान होनी चाहिये ताकि वे खाने के काम आने वाले मांस को रखने के काम न लाए जाएं । मांस को संग्रह करने के काम में आने वाला कोई भी बर्तन या आधान जस्तीकृत लोहे या लोहे का बना नहीं होना चाहिये मांस प्रशीतन ट्रे को छोड़कर, जो जस्तीकृत लोहे की हो सकती है । तांबे या पीतल का बर्तन जब प्रयोग में लाना हो तो वह मोटी कलई किया होना चाहिये । प्रसंस्करण क्षेत्र में लकड़ी के उपस्करों फांचों के प्रयोग से बचना चाहिये । लकड़ी के दबाने वाले भारी पटडों और धुरों के लकड़ी के बने हत्थों को जब काम में लाया जाए तो उन्हें प्रतिदिन गर्म पानी से धोना या भाप से कीटाणु मुक्त करना चाहिये । लकड़ी के दबाने वाले पटडे इतने मजबूत होने चाहियें कि वे दाब के प्रभाव को भली भांति सह सकें और वे मांस को लकड़ी के बुरादे से प्रदूषित न करें ।

7.13 प्रसंस्करण क्षेत्र, अभिकरण के अनुमोदन के बिना उसी जाति के पशु के मांस के अतिरिक्त किसी अन्य सामग्री के प्रसंस्करण के लिये प्रयोग में नहीं लाया जायेगा ।

7.14 पानी के निकास और नलकर्म प्रणाली कुशलता और पर्याप्तता की दृष्टि से संयंत्र को ध्यान में रखते हुए तैयार की जानी चाहियें और सभी नालियां और गटर उचित और स्थायी तौर पर स्थापित होने चाहियें । प्रसंस्करण एकक की जल निकास प्रणाली प्रसंस्करण भवन के भीतर बनी उन नालियों आदि से नहीं जुड़ी होनी चाहियें जो शौचालयों या पशुओं के बाड़ों से निकलने वाली बहिस्राव सामग्री को लाने के लिये बनी हो । मेनहोल रिसने वाले नहीं होने चाहियें जिससे कि रुकावट के कारण अपरिशिष्ट पदार्थ वापस न आ सकें ।

7.15 प्रसंस्करण क्षेत्र में प्रवेश निर्बाधित होगा और वधशाला या उपोत्पाद अनुभाग के प्रसंस्करण कर्मकारों का सफाई क्षेत्र अर्थात् प्रसंस्करण या पैकिंग क्षेत्र में प्रवेश अनुज्ञात नहीं किया जाएगा । पहचान की सुविधा के लिये सफाई क्षेत्र के कर्मकारों को पोशाक अन्य क्षेत्रों के कर्मकारों की पोशाक से भिन्न प्रकार की होगी ।

7.16 मांस प्रसंस्करण से संबंधित सभी कार्यकलापों के लिए जिसमें पानी के प्रयोग की आवश्यकता है पर्याप्त स्वच्छ तथा पेय जल प्रयुक्त किया जायेगा । प्रसंस्करण से संबंधित क्रियाकलापों के लिये अप्रयुक्त किया जाने वाले जल का नियमित परीक्षण किया जायेगा और संयंत्र में ऐसे परीक्षण के लिये पर्याप्त व्यवस्था होनी चाहियें । यदि जांच करने पर उपरोक्त जल अस्वास्थ्यप्रद या पीने योग्य नहीं पाया जाता है तो प्रदाय के लिये जिम्मेदार प्राधिकारियों को इसकी रिपोर्ट की जायेगी और यदि यह प्रसंस्करणकर्ता के निजी साधनों से है तो प्रसंस्करणकर्ता स्वास्थ्यप्रद और पेयजल देने के लिए सभी आवश्यक कदम उठाएगा ।

7.17 वाशबेसिन प्रचुर मात्रा में अपमार्जक तथा हानि-रहित प्रतिरोधी घोल युक्त होंगे विशेषतः गर्म या ठंडे पानी के लिये पाद संचालित संयोजक टोंटियां प्रत्येक प्रवेश व निकास स्थलों पर दी जायेंगी ।

7.18 कर्मकारों और संयंत्र की सफाई रखने के लिये प्रचुर मात्रा में पानी उपलब्ध कराया जाएगा, । मेजें, दस्ती, आरी, छुरियां, , स्टील विदारक चाकू के पेंच, मांस के भंडारण के लिए आधानों को अपमार्जक घोलों तथा गर्म पानी से पूर्ण रूप से साफ किया जायेगा ।

"चाकू तथा अन्य काटने के औजार/उपस्करों के निर्जमीकरण के लिये 82° सें० ग्रे० तथा इससे अधिक तापमान पर गर्म पानी उपलब्ध होना चाहिये । यदि भाप के उत्पादन या रफ्रिजरेशन या अग्नि नियंत्रण या प्रसंस्करण से असंबद्ध अन्य प्रयोजनों के लिये अपेय जल प्रयुक्त किया जाता है तो ऐसा पानी बिल्कुल अलग नलिकाओं से जाएगा और उनका पीने के पानी की लाईन से कोई क्रास कनेक्शन नहीं होगा ।

7.19 किसी भी ऐसे व्यक्ति को जिसके हाथों पर खुला घाव होगा प्रसंस्करण क्षेत्र में कार्य करने के लिए अनुज्ञात नहीं किया जाएगा । किसी भी ऐसे व्यक्ति को जो संक्रामक या सांसर्गिक रोगों से पीड़ित है, परिसर में प्रविष्ट नहीं होने दिया जायेगा । सभी कर्मचारियों की वर्ष में एक बार न्यूनतम एम बी बी एस अर्हता वाले किसी

रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा डाक्टरी जांच कराई जाएगी। रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा सम्यक् रूप से हस्ताक्षरित ऐसी जांचों का अभिलेख रखा जाएगा और जब यह चाहे निरीक्षण अधिकारी को प्रस्तुत किया जायेगा। प्रसंस्करण क्षेत्र में कर्मचारियों की भीड़ से बचने के लिए सभी को एक दूसरे से पर्याप्त दूरी रखते हुए कार्य करने के लिये मेजें देनी होंगी।

7.20 प्रसंस्करण क्षेत्र में थूकना, चर्वण और धूम्रपान करना प्रतिषिद्ध होगा।

7.21 उंगलियों के नाखून और बाल उचित रूप से समाकृतिक और ढके होंगे। प्रसंस्करण क्षेत्रों में कंघी करना और नाक की सफाई करना तथा झींकने का निषेध होगा।

7.22 सभी प्रसंस्करण कर्मकारों को एप्रेन, हैडवियर, हाथ के दस्ताने तथा जूते ऐसी सामग्री के बने हुए देने होंगे जो कि आसानी से साफ एवं विसंक्रामित किए जा सकें। पर्यवेक्षण कर्मचारीवृन्द यह सुनिश्चित करेंगे कि वे साफ सुथरे हों तथा कर्मकार स्वच्छ, साफ और चुस्त रहें। यथोचित उपयुक्त और सुविधाजनक रूप से परिवर्तनकारी सुविधाएं उपलब्ध कराई जाएंगी।

7.23 प्राधिकृत परिसरों में पर्याप्त शीतागार सुविधाएं होंगी।

7.24 शीतागार (द्रुतशीतन कक्ष, हिमशीतन कक्ष, हिमशीतक भंडार) अनुज्ञप्ति प्राप्त परिसर होंगे। शीतागार का तापमान अभिलेख रखा जाएगा और एक वर्ष तक बनाए रखा जाएगा।

7.25 प्रसंस्करण क्षेत्र में प्रविष्ट होने वाले सभी बाहरी व्यक्तियों को रोगाणु नाशक जल में पैर धोने के पश्चात् ही प्रविष्ट होने दिया जाएगा।

7.26 शौचालयों का प्रावधान म०उ०नि०वि०प्रा० के अनुसार होगा।

7.27 निष्कासक पंखों (एग्जास्ट फैन) का जहां आवश्यक हो उपबंध किया जाएगा।

7.28 अपशिष्ट के परिवहन के लिए प्रयुक्त ट्राली को इस प्रकार चिह्नित किया जाएगा जिससे उनकी उनसे अलग पहचान हो जाए जो केवल शव मांस के परिवहन के लिए अनन्य रूप से प्रयुक्त होंगी।

7.29 अपशिष्ट सामग्री की उठाई-धराई इस ढंग से की जाएगी जिससे कि खाद्य या पेयजल दूषित न हो। अपशिष्ट सामग्री तक नाशक जीव की पहुंच के निवारण के लिए पूर्व सावधानियां बरती जाएंगी। मांस और मांस उत्पाद की उठाई-धराई तथा अन्य कार्य क्षेत्र के पास से अपशिष्ट सामग्री को नियमित अंतरालों पर और दिन में कम से कम एक बार हटा देना चाहिए। भंडारण के लिए प्रयुक्त अपशिष्ट पात्र और अपशिष्ट सामग्री के सम्पर्क में आने वाले उपस्कर की सफाई की जानी चाहिए और उन्हें विसंक्रामित करना चाहिए। सप्ताह में दिन में कम से कम एक बार अपशिष्ट सामग्री भंडारकरण क्षेत्र की सफाई की जानी चाहिए तथा उसे संक्रामित करना चाहिए।

7.30 प्रतिदिन कार्य करने के पश्चात सभी प्रसंस्करण क्षेत्र और उपस्करों की सफाई और विसंक्रमण होना चाहिए।

7.31 द्रुतशीतन कक्ष की सफाई तथा स्वच्छ करने के लिए निश्चित समय सूची अपनाई जानी चाहिए।

8. नमूना लेने और परीक्षण की पद्धति: निर्यात के लिए आशयित प्रसंस्कृत मांस उत्पादों का निरीक्षण इन नियमों की अनुसूची 1 में अंतर्विष्ट अनुदेशों के अनुसार नमूना लेकर किया जाएगा और उनका परीक्षण इस दृष्टि से किया जाएगा कि परीक्षण मानक विनिर्देशों के अनुरूप है।

9. निरीक्षण का स्थान: इन नियमों के प्रयोजन के लिए प्रसंस्कृत मांस उत्पादों का निरीक्षण प्रसंस्करणकर्ता या विनिर्माता के परिसर पर किया जाएगा जो कि अभिकरण को ऐसा निरीक्षण करने के लिए सभी आवश्यक सुविधाएं देगा।

10. निरीक्षण शुल्क: प्रसंस्कृत मांस के प्रति परेषण न्यूनतम 100/-रु० के अधीन रहते हुए एक किलोग्राम या उसके भाग के टिन/पैकेज पर 0.15 पैसे की दर से अभिकरण को निरीक्षण फीस दी जाएगी।

11. अनुदेश अभिकरण: परिसरों में स्वच्छता, कार्मिकों और उपस्करों की सफाई प्रचालन संबंधी प्रक्रियाएं, प्रसंस्कृत मांस का नमूना लेने, परीक्षण, पैकेजिंग, चिह्नांकन की पद्धति किसी भी प्रक्रम पर निरीक्षण और उनके अभिलेखों के रख-रखाव के संबंध में परिषद द्वारा समय-समय पर जारी किए गए और इन नियमों से अनुरूप अनुदेशों का पालन किया जाएगा।

12. शव/प्रसंस्कृत मांस उत्पादों के परिवहन की शर्तें:

(1) मांस की किस्म पर निर्भर रहते हुए शव/मांस के परिवहन के लिए निम्नलिखित सारणी के स्तम्भ (2) में अनुबद्ध शर्तों का पालन किया जाना है:—

मांस की किस्म	परिवहन के लिए विनिर्देश
1	2
ताजा	यान पूर्ण रूप से अप्रवेश्य फर्श और सतही दीवार से ढके होने चाहिएं। 100 किलो मीटर से अधिक के परिवहन की दशा में 6° से०ग्रे० से अनधिक तापमान बनाए रखने के उपयुक्त प्रबंध करने होंगे।

1	2
द्रुतशीतित	रेफ्रिजरेटिड/विद्युतरोधी वैन से ले जाया जाएगा 100 कि०मी० से अधिक दूर के परिवहन की दशा में 6° सें०ग्रे० से अनधिक तापमान बनाए रखने के उपयुक्त प्रबंध किए जाएंगे ।
हिमशीतित	विद्युतरोधी/रेफ्रिजरेटिड वैन में ले जाया जाएगा । शव/मांस का तापमान-8°सें.ग्रे. से अधिक नहीं किया जाएगा ।

(2) डिब्बों को ले जाने वाले वाहन निम्न शर्तों को पूरा करेंगे ।

(क) सभी अंतर्राष्ट्रीय फिनीशिस प्रतिरोधक पदार्थ से बने होंगे जो अवुलनशील एकसार होंगे तथा सफाई करने के लिए सुविधाजनक होंगे तथा संक्रामक रहित होंगे । जोड़ तथा दरवाजे इस प्रकार सील किए हुए होंगे जो संक्रामक कीटाणुओं का प्रवेश वर्जित करेंगे ।

(ख) इसका डिजाइन और उपकरण इस प्रकार के होंगे जो परिवहन की सम्पूर्ण कालावधि में अपेक्षित तापमान को बनाए रखेंगे । जहां परिवहन शीतित अवस्था में है वहां तापमान सूचक की वांछनीय व्यवस्था की जाएगी । अगर स्वचालित युक्ति की व्यवस्था नहीं है तो नियमित अंतराल में इसका तापमान लिया जाएगा । सूचकांक को एक लॉगबुक में अभिलिखित किया जाएगा ।

(ग) प्रसंस्कृत मांस उत्पादों को लाने ले जाने तथा रखने के लिए आशयित यान इस प्रकार से सुसज्जित होंगे जिससे कि उत्पाद फीलिओफलोवर से किसी प्रकार से संक्रामित न हो सके ।

(घ) प्रसंस्कृत मांस उत्पाद किसी ऐसे परिवहन के साधनों से नहीं लाया जाएगा जिसका उपयोग जीवित पशुओं को ले जाने के लिए किया जाता है ।

(ङ) प्रसंस्कृत मांस उत्पादों के अन्य माल की भांति परिवहन के ऐसे साधनों का प्रयोग नहीं किया जाएगा जिससे इस उत्पाद पर प्रतिकूल प्रभाव पड़ सकता हो ।

(च) प्रसंस्कृत मांस उत्पाद परिवहन के ऐसे साधनों में नहीं ले जाया जाएगा जो कि साफ नहीं हैं । इसे साफ कर लिया जाएगा तथा लदान से पूर्व संक्रामण रहित कर दिया जाएगा ।

13. निरीक्षण का आधार : निर्यात के लिए आशयित प्रसंस्कृत मांस उत्पाद का निरीक्षण इस दृष्टिकोण से किया जाएगा कि वह अधिनियम की धारा 6 के अंतर्गत केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुरूप है जैसा कि इन नियमों की अनुसूची 3/(पीपी-29-36) अनुसूची 11/(पीपी 37-40) तथा अनुसूची 1/(पीपी 41-48) में दिया गया है ।

14. निरीक्षण के लिए आवेदन : प्रसंस्कृत मांस उत्पादों के निर्यात करने का इच्छुक निर्यातकर्ता निर्यात किए जाने वाले परेषण का पूर्ण विवरण देते हुए आवेदन अभिकरण के निकटतम कार्यालय को देगा ।

15. नमूना लेने की समय सीमा : अभिकरण निर्यातकर्ता से आवेदन प्राप्त होने की तारीख से पांच कार्य दिवसों के भीतर नमूना लेगी ।

16. पशु चिकित्सा स्वास्थ्य प्रमाण पत्र जारी होना : नियम 14 के अधीन आवेदन प्राप्त होने पर अभिकरण किए गए निरीक्षण के आधार पर अपना यह समाधान कर लेने पर कि परेषण इस पर लागू मानक विनिर्देशों के अनुसार प्रसंस्कृत किया तथा पैक किया गया है तो वह यह घोषणा करते हुए एक पशु चिकित्सक स्वास्थ्य प्रमाण पत्र जारी करेगा कि प्रसंस्कृत मांस उत्पादों का परेषण मानव उपभोग के लिए उपयुक्त है तथा निर्यात योग्य है । अभिकरण के लिए पर्यवेक्षक, निरीक्षण तथा इन नियमों का अनुपालन करना विधिपूर्ण होगा ।

17. पशु चिकित्सा स्वास्थ्य प्रमाण पत्र जारी करने से इंकार करना : जहां अभिकरण संतुष्ट नहीं है वह ऐसे प्रमाण पत्र देने से इंकार कर देगी । अन्य रूप से पैक मांस उत्पादों की दशा में ऐसे इंकार की संसूचना उसके कारणों सहित निर्यातकर्ता को नमूना लेने के पांच दिनों के भीतर दी जाएगी और अन्य डिब्बा बंद मांस उत्पादों के मामले में नमूना लेने के 21 दिनों की अवधि के भीतर दी जाएगी ।

18. चैक निरीक्षण : प्रमाणीकरण के पश्चात् अभिकरण को परेषण की क्वालिटी का भंडारण, अभिवहन के दौरान या पत्तन पर पुनः निर्धारण का अधिकार होगा । यदि परेषण किसी भी स्तर पर मानक विनिर्देशों के अनुरूप नहीं पाया जाता है तो मूलतः दिया गया प्रमाण पत्र वापिस ले लिया जाएगा ।

19. पशु चिकित्सा प्रमाण पत्र की वैधता : डिब्बा बंद प्रसंस्कृत मांस के मामले में पशु चिकित्सा स्वास्थ्य प्रमाण पत्र, परेषण के पास होने की तारीख से 180 दिनों की अवधि तक के लिए वैध होगा और अन्य उत्पादों के मामले में जैसा 180 दिन जैसा उसमें विनिर्दिष्ट हो । यदि एक आवेदन में भिन्न-भिन्न तारीखों पर अनुमोदित एक से अधिक परेषण प्रस्तुत किए गए हैं तो प्रमाण पत्र की वैधता अनुमोदन की पूर्वतम तारीख से अभिलिखित की जाएगी ।

20. पशु चिकित्सा स्वास्थ्य प्रमाण पत्र की पुनः विधि मान्यता : यदि परेषण निरीक्षण प्रमाण पत्र की वैधता की अवधि के भीतर पोत पर लादा नहीं जाता है तो निर्यातकर्ता को पुनः विधि मान्यकरण का प्रमाण पत्र प्रस्तुत करने की

अनुमति दी जाएगी । ऐसे मामलों में डिब्बा बंद प्रसंस्कृत मांस उत्पादों को दशा में वैधता की अवधि 90 दिन की और अवधि के लिए बढ़ा दी जाएगी और अन्य प्रकार से पैक किए गए उत्पादों के मामले में विधिमान्यकरण की अवधि 90 दिन की ही होगी । उसके बाद पुनःविधि-मान्यकरण की रिजा पुनः निरीक्षण के अनुसार नहीं की जाएगी ।

21. अपील ।

(1) ऐसा कोई व्यक्ति जो पशु चिकित्सा स्वास्थ्य प्रमाण पत्र जारी किए जाने से अभिकरण के इंकार किए जाने से व्यथित हो वह ऐसे इंकार की संसूचना प्राप्त होने के 15 दिनों के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त न्यूनतम तीन परन्तु सात से अनधिक व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकेगा ।

(2) पैनल की गणपूर्ति तीन से होगी ।

(3) अपील, प्राप्त होने के पन्द्रह दिनों के भीतर निपटा दी जाएगी ।

अनुसूची-1

डिब्बा बंद प्रसंस्कृत मांस उत्पादों का नमूना लेना

1. नमूना लेने की साधारण अपेक्षाएं: (1) नमूना लेने की प्रक्रिया अभिहित अभिकरण द्वारा प्राधिकृत व्यक्ति द्वारा हो की जाएगी और विनिर्माता/निर्यातकर्ता की उपस्थिति में की जाएगी ।

(2) नमूने का इस तरह से भंडारण और परिवहन किया जाएगा, कि उत्पाद का तापमान सामान्य कक्ष के तापमान से भिन्न नहीं होगा ।

2. नमूना लेने के मापदण्ड—(1) एक ही माप के डिब्बों तथा विनिर्माता के एक ही बैच से लिए गए सभी डिब्बों वाले परेषणों को एक साथ करके एक लॉट तैयार किया जाएगा ।

(2) सामग्री की अनुसूची 2 से 4 की अपेक्षाओं के अनुसार अनुरूपता सुनिश्चित करने के लिए प्रत्येक लॉट से नमूनों का परीक्षण किया जाएगा ।

(3) नमूनों की भौतिक, रसायनिक तथा सूक्ष्मजैविकी अपेक्षाओं की जांच के लिए लॉट से चुने जाने वाले डिब्बों की संख्या लॉट के साईज पर आधारित होगी और नीचे दी गयी सारणी के स्तम्भ (1) तथा (2) के अनुसार होगी ।

सारणी-1

परीक्षण के लिए डिब्बों का चयन

लॉट में डिब्बों की संख्या (एन)	चुने जाने वाले डिब्बों की संख्या (एन)
1	2
500 तक	—6
500-1000	—7
1001-5000	—8
5001-10000	—9
10000 से ऊपर	—10

(4) ये डिब्बे एक मुश्त चुने जाएंगे । खोले जाने वाले पैकिंग डिब्बों की न्यूनतम संख्या सारणी 2 के अनुसार हो सकती है । 2.2 की अपेक्षानुसार कम से कम 2 डिब्बों को प्रत्येक पैकिंग केस से चुनते हुए एक मुश्त डिब्बे लिए जाएंगे ।

(5) यदाकदा सुनिश्चित करने के उद्देश्य से यदाकदा संख्या सारणी का उपयोग किया जाएगा । यदि किसी मामले में सारणी उपलब्ध नहीं होनी है तो निम्नलिखित प्रक्रिया अपनाई जाएगी ।

(6) सभी डिब्बों को व्यवस्थित रूप में लगाया जाए और फिर एक सिरे से शुरु किया जाए । एन/एन का मध्य भाग होने के कारण प्रत्येक आठवां डिब्बा लिया जाएगा जहां यहां एन से लॉट में डिब्बों की कुल संख्या से अभिप्राय है, और एन से चुने जाने वाले डिब्बों की संख्या से अभिप्राय है ।

सारणी-2

लॉट (एन) में पैकिंग केसिस का खोलना (खंड 2.3)	खोले जाने वाले पैकिंग डिब्बों की संख्या (एन)
100 तक	—2
101-500	—3
501-1000	—4
1001-5000	—5
5000 से ऊपर	—6

1. परीक्षणों की संख्या—भौतिक तथा रसायनिक अपेक्षाओं के लिए चुने गए नमूनों के डिब्बों से एक प्रतिनिधि नमूना लिया जाएगा जिसकी निर्वात हैडस्पेस, सोडियम क्लोराईड, नाइट्रेट, भारी धातु तथा प्रोटीन की जांच की जाएगी ।

2. सूक्ष्मजैविकी अपेक्षाओं के लिए परीक्षण:—(1) 37° पर उष्मायन चुने गए डिब्बों में 2 को 37° सी पर उष्मायित किया जाएगा जो कि कम से कम 14 दिन तक होगा और सूक्ष्मजैविकी परीक्षण के अध्यधीन किया जाएगा ।

3. अनुरुपता के लिए मानदण्ड—एक लॉट को इस मानक की अपेक्षाओं को पूरा करने वाली समझा जाएगा जब सभी परीक्षण किए गए सभी नमूने विशेषताओं के लिए संबंधित तत्स्थानी अपेक्षाओं को पूरा करते हैं ।

अनुसूची-2

कार्नड बीफ के लिए मानक

1. विस्तार:—यह मानक डिब्बा बंद भैंस मांस जिसे "कार्नड बीफ" अभिहित किया गया है, पर लागू होता है और वायुरुद्ध सीलबंद डिब्बों में बेचे गए है जो मुद्राकन के पश्चात उस सीमा तक उष्मातापित किए गए हैं कि उत्पाद स्वतः सुरक्षित रह सकें ।

यह "कार्नड बीफ" प्रकार के मांस उत्पाद इन विनिर्दिष्ट से विभिन्न अनिवार्य विशेषताओं सहित लागू नहीं होगा । इन उत्पादों के साथ अर्हक विवरण लगा होगा जो कि उत्पाद की सही जानकारी इस प्रकार देगा कि ग्राहक धोखे में न रहें और इस मानक के अनुसार बंद उत्पादों के संबंध में कोई शंका न हो ।

2. वर्णन—कार्नड बीफ अर्थात् जीवित भैंसों को प्राप्त चापड, क्यूरड, हड्डीरहित शव मांस और उसमें शोर्ष मांस, हृदय मांस तथा कमर से नीचे का मांस सम्मिलित किया जा सकता है ।

उत्पाद भैंस के मांस के बड़े-बड़े टुकड़ों में तैयार किया जाएगा । जो पहले से ही पका या ऐसे पहले से पकाए मांस का मिश्रण होगा जिसमें अधिकतम 5 कच्चा मांस जोड़ा गया है, अन्यथा मामले में आधानों में भरने से पहले या पश्चात मांस सुरक्षित होगा ।

डिब्बे को सीलबंद करने के पश्चात् ताप उपचारित लागू किया जाएगा और यह सुनिश्चित करना पर्याप्त होगा कि उत्पाद स्वत: टिकाऊ है तथा जन स्वास्थ्य के लिए हानिकारक नहीं है ।

3. आवश्यक संघटन तथा क्वालिटी तत्व (1)

आवश्यक घटक

— अमुरक्षित भैंस का मांस

— सुरक्षित रखने वाले पदार्थ जिनमें खाद्य श्रेणी नमक तथा सोडियम या पोटाशियम नाईट्रेट है ।

(2) वैकल्पिक घटक

— स्कोरोज, प्रतीय शकर, डेक्सट्रोस (ग्लूकोज, लक्टोज, माल्टोज, ग्लुकोज, शरबत) कोर्न शरबत (सम्मिलित)

— संपूर्ति सब्जियां, प्रोटीन, दालें तथा स्टार्च परन्तु यह भी कि वैकल्पिक तत्वों की कुल मात्रा भार के आधार पर 50 प्रतिशत से अधिक नहीं होगी ।

(3) संघटन

अन्तिम उत्पाद में कुल प्रोटीन अंश 21% मी०मी० के कम नहीं होंगे । (4) कच्ची सामग्री-मांस जिससे उत्पाद तैयार किया जाता है उपभोग के लिए अच्छी उचित क्वालिटी का होगा और आपत्तिजनक गंध से मुक्त होगा ।

(5) अन्तिम उत्पाद—अन्तिम उत्पाद स्वच्छ होगा तथा साथ ही धब्बों और आधान के दूषण से मुक्त होगा । मांस एक सार होगा और पूर्णत: संसाधित होगा और उत्पाद द्रुतशीतित होने पर टुकड़े करने योग्य होगा ।

4. खाद्य भोज्य

(1) परिरक्षक	अन्तिम उत्पाद के कुल अंश पर परिगणित अधिकतम मात्रा
क. नाइट्रेट, पोटाशियम तथा सोडियम	50 मि०ग्रा०/कि०ग्रा० कुल नाइट्रेट जो सोडियम नाइट्रेट के समान न हों,
ख. पोटाशियम क्लोराइड	श्रेष्ठ विनिर्माण एकक द्वारा सीमित
(2) एंटीआक्सीडेंट एसकार्बिक अम्ल और एसके सोडियम नमक	श्रेष्ठ विनिर्माण एकक द्वारा सीमित

5. दूषण तत्व	अधिकतम स्तर
सीसा	1 मि०ग्रा०/कि०ग्रा०
टिन (एसएन)	
टिन (एसएन) टिन प्लेट आधान में उत्पाद के लिए	200 मि०ग्रा०/कि०ग्रा०
टिन (एसएन) अन्य आधान में उत्पाद के लिए	50 मि०ग्रा०/कि०ग्रा०

6. स्वच्छता स्वास्थ्य :—(1) स्वच्छता तथा अन्य स्वास्थ्य संबंधी अपेक्षाएं नीचे दिए गए कच्चे मांस (द्रुत-शीतित या हिमशीतित) क्वालिटी नियंत्रण और निरीक्षण (नियम, 1992 के अधीन) के अनुसार होंगी ।

(2) कार्नड बीफ तैयार करने के लिए प्रयुक्त मांस मरणोपूर्व तथा मरणोपरान्त निरीक्षण किए गए पशुओं से लिया गया है या किसी निरीक्षक द्वारा अन्य मानव उपभोग के लिए पारित किया गया है । निरीक्षक द्वारा परीक्षण किए जाने के पश्चात् मांस को दूषण या प्रसंस्करण या उठाई गई धराई या किसी हानिकारक पदार्थ के मिलाने के लिए खोला नहीं गया है जो कि मानव उपभोग के लिए अनुचित कर देती है ।

(3) कच्चे या अर्ध प्रसंस्कृत मांस तथा कार्नड बीफ को संस्थापना के भीतर इस प्रकार उठाया रखा, भण्डारित या परिवहित किया जाएगा जो कि मांस तथा कार्नड बीफ को दूषण तथा विघटन से बचाएगा ।

(4) उत्पाद को संमुद्रित सीलबंद आधानों में पैक किया जाएगा ताकि दूषण न हो सके और जो साफ होंगे तथा मजबूत आधान की विशेषता को दिखाएंगे तथा निर्वात के साक्ष्य को दिखाएंगे ।

(5) जब प्रसंस्कृत आधानों को, जल में ठंडा किया जाएगा तो पेय जल होगा या इस भांति उपयोग किया जाएगा जससे जन स्वास्थ्य को हानि न हो ।

(6) प्रसंस्करण के पश्चात डिब्बों को दूषण से बचाने के लिए अच्छी तरह उठाई धराई की जाएगी ।

7. लेबल लगाना—(1) खाद्य का नाम लेबल पर घोषित किए जाने वाले खाद्य उत्पाद का नाम "कार्नड बीफ" होगा ।

(2) संघटकों की सूची—संघटकों की एक पूरी सूची उत्पाद के अवरोही क्रम से लेबल पर घोषित की जाएगी और सभी संघटकों के लिए एक विशेष नाम का प्रयोग किया जाएगा ।

(3) तारीख, चिन्हांकन तथा भण्डारकरण निरीक्षण—डिब्बा बंद कार्नड बीफ के लिए जो कि स्वतः टिकाऊ उत्पाद है, न्यूनतम टिकाऊपन तारीख वर्ष में उपदर्शित की जाएगी ।

(4) गैर खुदरा डिब्बों पर लेबल लगाना—खुदरा डिब्बों पर लेबल लगाने के लिए आवश्यक उचित सूचना या तो गैर खुदरा डिब्बों पर या उसमें रखे दस्तावेजों पर दी गयी है सिवाय इसके कि केवल खाद्य वस्तु का नाम, तारीख, चिन्हांकन तथा भण्डारकरण निर्देश, लॉट पहचान तथा विनिर्माता या पैकरों या पैकर का नाम तथा पता और खुदरा डिब्बों पर ही होगा । तथापि, लॉट पहचान तथा विनिर्माता या पैकर का नाम तथा पता पहचान चिन्ह से बदला जा सकता है परन्तु यह कि ऐसा चिन्ह उसमें रखे दस्तावेजों से स्पष्ट रूप से एक समान है ।

(5) कुल अन्त वस्तु—भार के आधार पर कुल अन्त वस्तु या तो मीटरीक पद्धति में (अंतर्राष्ट्रीय पद्धति) यूनिटों में या माप की दोनों प्रणालियों में जैसा भी उस देश द्वारा अपेक्षित हो जिसे माल बेचा जा रहा है घोषित की जाएगी ।

(6) नाम तथा पता—विनिर्माता/पैकर का नाम तथा पता घोषित किया जाएगा परन्तु वह पहचान चिन्ह से बदला जा सकता है जहां ऐसा चिन्ह मूल देश द्वारा जारी किया गया हो ।

(7) उद्भव का देश—उत्पाद का उद्भव वाला देश स्पष्ट रूप से घोषित किया जाएगा । जिस देश में प्रसंस्करण किया गया हो उसे लेबल लगाने के प्रयोजन के लिए उद्भव का देश माना जाएगा ।

अनुसूची-III

लंचआन मांस के लिए मानक

1. विस्तार :—यह मानक "लंचआन मांस" से नाम निर्दिष्ट उत्पाद पर लागू होता है जो कि किसी भी उपयुक्त पैकिंग सामग्री में पैक किया गया है । वर्णन—उत्पाद पॉल्ट्री के मांस या इसके मिश्रण से तैयार किया जाएगा जो अन्नचूर्ण और सुरक्षित और जिसे धुएं से पकाया जा सका हो । उत्पाद में बिन्डर हो भी सकता है और नहीं भी ।

2. उष्मा तापमान जिसके अधीन उत्पाद किया गया है और संसाधन तथा पैकिंग का प्रकार यह सुनिश्चित करने के लिए पर्याप्त होगा कि उत्पाद में कोई स्वास्थ्य हानिकारक पदार्थ नहीं है और भण्डारण, परिवहन तथा विक्रय की दशा में जैसाकि पैरा 6.4 में दर्शाया गया है, सही रहेगा

3. आवश्यक सम्मिश्रण तथा क्वालिटी तत्व-अंश :

(1) आवश्यक संघटक

— मांस या पॉल्ट्री मांस या इनका सम्मिश्रण

— पानी

— निदानात्मक संघटक जिसमें खाद्य श्रेणी नमक (सोडियम क्लोराइड तथा पोटाशियम या सोडियम नाइट्रेट होगा ।

(2) वैकल्पिक संघटक

— खाद्य ओफाल, वसा परसी संसाधित और असंसाधित शूकर मांस फाईडपीज

— निम्न प्रकार के कार्बोहाईड्रेड और प्रोटीन :—

— आहार आटा या श्रेणी से तैयार स्टार्च या मीठा आलू

— ब्रेड, बिस्कुट या बेकरी उत्पाद

— दुग्ध पाउडर, मलाई दुग्ध पाउडर, मक्खन, दुग्ध पाउडर केसिनेट व्हे पाउडर अंडा, प्रोटीन, संश्लेषित विगेटा ली प्रोटीन, मूंगफली प्रोटीन, ड्राई रक्त उत्पाद, सोया आटा, सोया प्रोटीन, गेहूं ग्लुटीन ल्यूमिन आहार, सूरजमुखी आहार ।

3 मिश्रण	बाईंडर के साथ उत्पाद	बिना बाईंडर के उत्पाद और ओफाल लेकिन उसमें दिल, जिव्हा या शीर्ष मांस सम्मिलित हो सकेगा ।
—	न्यूनतम भीतर जाने वाले मांस के अंश	90% 80%
—	अधिकतम वसा अंश	30% 35%

(4) आवश्यक क्वालिटी अंश :

(i) कच्ची सामग्री :—संघटक जिनसे उत्पाद तैयार किया जाता है उत्तम क्वालिटी के होंगे जो कि मानव उपयोग के लिए उचित होंगे और आपत्तिजनक गंध से मुक्त होंगे ।

(ii) अन्तिम उत्पाद :—उत्पाद बिल्कुल साफ होगा तथा धब्बों और आवानों के दूषण से मुक्त होगा । मांस तथा पोल्ट्री मांस एक समान तथा पूर्णतः संसाधित होगा और उत्पाद ऐसा होगा जिसके टुकड़े किए जा सकें ।

4. योज्य खाद्य

(1) परिरक्षक	परिगणित अधिकतम मात्रा
नाइट्रेट पोटाशियम/या सोडियम नमक	200 कि०ग्रा०/कि०ग्रा० कुल नाइट्रेट जिन्हें सोडियम के रूप में दर्शित किया गया। अन्तिम उत्पाद के कुल शुद्ध अंतर्वाह्य आधार पर परिकलित अधिकतम लेबल
नाइट्रेट पोटाशियम और या सोडियम नमक	125 मि०ग्रा०/कि०ग्रा० कुल नाइट्रेट जिन्हें सोडियम नाइट्रेट के रूप में दर्शित किया गया।
(2) प्रति आक्सीकारक	अधिकतम स्तर कुल शुद्ध अंतर्वाह्य या अन्तिम उत्पाद पर परिकलित।
एसकार्लिक एमिड और सोडियम नमक आईओ-एसकार्लिक एमिड और सोडियम नमक।	ठीक रहने तक सीमित विनिर्माण एकक।
(3) सुरुचिकारक	
प्राकृतिक सुरुचिकारक पदार्थ और विशेष प्राकृतिक सुगंधीय पदार्थ	उत्पाद विनिर्माण एककों द्वारा निर्धारित ठीक विनिर्माण एकक द्वारा सीमित।
(4) सुरुचिकारक पदार्थ 5 गुआनीलेट, डायसोडियम 5. आईनोसिलेट डायसोडियम	
(5) एसिडिटी रेगुलेटर ग्लूकोज डेल्ट लैक्टोन सोडियम साइट्रेट	
(6) अवरोधन एजेन्ट्स	
फास्फेट प्राकृतिक रूप से विद्यमान जोड़ा गया जोड़ा गया फास्फेट (मोनोडाई तथा और पोली) सोडियम तथा पोटाशियम नमक।	8000 मि.ग्रा./कि.ग्रा. पी2ओ5 के रूप में अभिव्यक्त 3000 मि०ग्रा./कि०ग्रा. पी05 के रूप में अभिव्यक्त)।
(7) रंग	
इरोथरोसिन (सीआई 45430) रंग की कमी को पूरा करने के लिए बदलना (केवल बाइंडर सहित उत्पाद के लिए)।	15 मि.ग्रा./कि.ग्रा.

5. संदूषण	अधिकतम स्तर
सीसा (पीबी)	0 5 मि०ग्रा./कि.ग्रा.
टिन (एसएन)	
टिन (एसएन) प्लेट टिन प्लेट आधानों में उत्पाद के लिए।	200 मि.ग्रा./कि.ग्रा.
टिन (एसएन) अन्य आधानों के उत्पाद के लिए।	50 मि.ग्रा./कि.ग्रा.

6. स्वच्छता :—स्वच्छता तथा अन्य स्वास्थ्य संबंधी अपेक्षाओं कच्चे मांस द्रुतशीतित या हिमशीतित) (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1992 के अन्तर्गत किए गए अनुपालन में होंगी।

(2) कोई भी मांस जिसके अन्तर्गत पोल्ट्री मांस और उनके उत्पाद भी हैं, किसी संस्था द्वारा तब तक स्वीकृत नहीं किया जाएगा जब तक कि उक्त जानवरों का जिनसे मांस तथा मांस उत्पाद लिए गए हैं मरणोपूर्व तथा मरणोपरांत निरीक्षण न किया गया हो। उनको जब तक स्वीकार नहीं किया जाएगा जब तक कि उन पर कोई ब्रांड या चिन्ह न लगा हो और सभी तरह से मानव उपभोग के सही होंगे और जब तक उनकी इंस्पेक्टर द्वारा यह जांच न कर ली गयी हो कि संदूषण मुक्त हैं या प्रसंस्करण या उठाई धराई में या कोई अन्य हानिकारक पदार्थ उसमें न मिला दिया गया हो जो मानव उपभोग के लिए अनुपयुक्त हो।

(3) मांस को जिसके अन्तर्गत कुक्कुट मांस और उनके उत्पाद भी है किसी स्थापन में इस रीति से भण्डारित किया जाएगा, उसका परिवहन किया जाएगा जो मांस तथा मांस उत्पादों को संदूषण और क्षय होने से संरक्षा करे।

(4) ऐसे उत्पादों को जिनको पैकेजिंग के पश्चात, उष्मोपचरित किया जाता है वायरुद्ध रूप में सीलबंद आधानों में पैक किया जाएगा जिससे कि उसमें स्वास्थ्य के लिए कोई परिसंकट मौजूद न हो या लेबल पर उपदर्शित हथालने, भंडारकरण परिवहन और विक्रय संदूषण न आने पाए। आधान साफ होंगे और उनमें ठोस आधानों के लक्षण संबंधी दशाओं में होंगे और जहां आधानों के प्रकार को लागू होगा वहां निर्वात का संकेत दर्शित होगा।

(5) ऐसे उत्पादों को जिनको पैकेजिंग से पूर्व उष्मोपचारित किया जाता है, इस प्रकार से पैक किया जाएगा कि संदूषण को कम से कम रखा जाना जिससे कि उत्पाद खराब होने से बच सके और लेबल पर उपदर्शित हथालने, भंडारकरण परिवहन और आधानों में स्वास्थ्य के लिए कोई विक्रय संबंधी दशाओं में लोक स्वास्थ्य के लिए कोई परिसंकट न हो सके, परिसंकट न मौजूद होगा न ही हथालने की दशाओं में संदूषण आने पाएगा। वे साफ होंगे और जहां लागू हो उनमें निर्वात का संकेत दर्शित होगा।

(6) जब प्रसंस्कृत आधानों को पानी में ठंडा किया जाता है तो पानी पेय क्वालिटी का होगा या अच्छी उपयुक्त रूप में संसाधित किया हुआ होगा ताकि लोक स्वास्थ्य को परिसंकट में न डाल सके।

(7) अन्तिम उत्पाद को ऐसी रीति से हथाला जाएगा और भण्डारित किया जाएगा जिससे कि उत्पाद को संदूषण से बचाया जा सके।

7. लेबल लगाना :—(1) खाद्य का नाम : लेबल पर घोषित किया जाने वाला उत्पाद का नाम "लैच मांस" होगा।

वाईडरों और खाद्य मांसोच्छिष्ट की उपस्थिति की घोषणा उस पशु की जाति, कुक्कुट मांस या दोनों का मिश्रण प्राप्त किया गया है उपदर्शित करते हुए दी जाएगी, यदि उनके लोप से उपभोक्ता को भ्रम पैदा होता है।

(2) संघटकों की सूची :

अवरोही क्रम या अनुपात में लेबल पर संघटकों की पूर्ण सूची घोषित की जाएगी सिवाय उन विनिर्दिष्ट नामों के, जिनका, एसकार्बिक अम्ल, आइसोएसकार्बिक अम्ल और उनके सोडियम लवणों तथा नाइट्रेट (पोटाशियम और सोडियम) के लिए प्रयोग किया जाएगा और मिलाए गए फॉस्फेट को वर्ग नाम "फास्फेट्स" घोषित किया जा सकेगा।

संघटकों की सूची में उन पशुओं की जाति, जिनसे मांस, कुक्कुट मांस या दोनों का मिश्रण प्राप्त किया गया है, उपदर्शित की जाएंगी।

(3) तारीख अंकन और भण्डारकरण अनुदेश :—

शेल्फ टिकाऊ उत्पादों के लिए न्यूनतम टिकाउपन की तारीख, वर्ष घोषित की जाएगी। ऐसे उत्पादों के लिए, जो शेल्फ टिकाऊ नहीं हैं अर्थात् जिनके बारे में यह संभावना है कि उन्हें भण्डारकरण और विक्रय की सामान्य पूर्ण रूप से दशाओं में कम से कम 18 मास तक नहीं रखा जा सकता है और जिन्हें ऐसे आधानों में पैक किया गया है जो उपभोक्ता को देने के लिए या खानपान के प्रयोजनों के लिए तैयार हैं, न्यूनतम टिकाऊपन की तारीख, दिन, मास और वर्ष में घोषित की जाएगी।

ऐसे उत्पादों के लिए जो शेल्फ टिकाऊ नहीं हैं और ऐसे आधानों में पैक हैं जो सीधे उपभोक्ता को या खानपान प्रयोजनों के लिए विक्रय नहीं किए जाने हैं, पर्याप्त भण्डारकरण और वितरण अनुदेश घोषित किए जाएंगे।

(4) खुदरा इतर आधानों पर लेबल लगाना :

खुदरा आधानों पर लेबल लगाने के लिए आवश्यक समुचित सूचना या तो खुदरा इतर आधानों पर या उनसे संलग्न दस्तावेजों पर दी गयी है, सिवाय इसके कि खाद्य का नाम तारीख अंकन और भण्डारकरण अनुदेश, लॉट पहचान तथा विनिर्माता या पैकर का नाम और पता खुदरा-इतर आधान पर होगा। तथापि पहचान चिन्ह के स्थान पर लॉट पहचान तथा विनिर्माता या पैकर का नाम और पता दिया जा सकता है परन्तु यह तब जब कि ऐसा चिह्न उससे संलग्न दस्तावेजों से स्पष्ट रूप से पहचान योग्य हो।

(5) शुद्ध अन्तर्वस्तु

शुद्ध अन्तर्वस्तु भार के आधार पर या तो मीट्रिक पद्धति (अन्तर्राष्ट्रीय पद्धति) यूनिटों में या एवोपरयूपिस या माप की दोनों पद्धतियों में, जो उस देश द्वारा जहां माल का विक्रय किया जाता है अपेक्षित हो।

(6) नाम और पता

विनिर्माता/पैकर का नाम और पता घोषित किया जाएगा, परन्तु यह कि वह, पहचान चिन्ह के स्थान पर रखा जा सकता है, जहां वह ऐसा पहचान चिन्ह हो जो उद्भव के देश द्वारा जारी किया गया हो।

(7) उद्भव का देश —उद्भव का देश स्पष्ट शब्दों में घोषित किया जाएगा वह देश जिसमें प्रसंस्करण किया गया है, लेबल लगाने के प्रयोजन के लिए उद्भव का देश माना जाएगा।

अनुसूची-4

ऐसे अनुमोदित कसाईखाने के लिए, जो भा०मा० 4393—1979 के अनुरूप नहीं हैं न्यूनतम अपेक्षाएं

1. सामान्य —अनुसूची में उपदर्शित अपेक्षाएं सभी अनुमोदित लोक कसाईखानों/बूचड़खानों में सरकार नागरिक अभिकरणों द्वारा उपलब्ध कराई जाएंगी।

2. अभिन्यास —कसाईखाने/बूचड़खाने में निम्नलिखित आवश्यक सुविधाएं होंगी —

(क) पशुओं का वध करने से पहले उनके लिए सुस्ताने का स्थान,

(ख) वध से पूर्व निरीक्षण करने के लिए पर्याप्त सुविधाएं,

(ग) वध के माननीय तरीके,

(घ) शवों की खाल उतारना, उनकी कांटछांट करना और धोना,

(ङ) शवों को टांगना और खाद्य भीछड़े,

(च) उपोत्पादों को हथालना,

(छ) मांस का निरीक्षण और मानव उपभोग के लिए अनुपयुक्त मांस का निपटान,

(ज) बीमार/रोगग्रस्त पशुओं के लिए अलग बाड़े,

(झ) पर्याप्त जल प्रदाय।

3. कसाईखाने में एकक :—कसाईखाने में निम्नलिखित एकक होंगे :—

(क) प्राप्ति क्षेत्र या विश्राम स्थल,
(ख) विश्रामिकाएं,
(ग) वधशाला हॉल,
(घ) अनुषंगी स्थान,
(ङ) प्रणीतित कक्ष (वैकल्पिक)

3. वधशाला हॉल :—

3.1.1. हलाल, झटका और यहूदी पद्धतियों के अनुसार पशुओं का वध, कांटछांट करने के लिए जहां-जहां अपेक्षित हो पृथक-पृथक व्यवस्थाएं की जाएंगी ।

(क) भेड़ और बकरे,
(ख) बड़े पशु ।

3.1.2 इस प्रकार उपलब्ध वधशाला हॉल और अनुषंगी स्थान पृथक-पृथक होंगे ।

3.1.3 पशुओं को संज्ञाहीन करने (जहां लागू हो, रक्तस्राव और शवों की कांटछांट करने के लिए पृथक-पृथक स्थानों की व्यवस्था की जाएगी ।

3.1.4 यथोचित आकार का ढलुंवा रक्तस्राव क्षेत्र की व्यवस्था की जानी चाहिए ।

3.1.5 शवों की कांटछांट फर्श पर नहीं की जानी चाहिए ।

3.1.6 वध किए गए विभिन्न प्रकार के पशुओं की अंतड़ी का निरीक्षण करने के लिए पर्याप्त स्थान तथा उपयुक्त और समुचित अवस्थित सुविधाओं की व्यवस्था की जाएगी ।

3.1.7 शवों की धुलाई बक ढलुंवा और पृथक रूप से सुघा क्षेत्र या पर्याप्त आकार का फर्श की नाली की ओर ढलुवां क्षेत्र ।

3.2 अनुषंगी स्थान :

3.2.1 उदर और आंतों को खाली करने और उनकी सफाई के लिए एक पृथक कक्ष और टांगने के लिए स्थान की व्यवस्था की जाएगी ।

3.2.2 ऐसे मांस को अलग करने के लिए जिनकी पशु चिकित्सक द्वारा किसी उपयुक्त प्रयोगशाला में और परीक्षा की अपेक्षा है उपयुक्त और पर्याप्त स्थान कसाईखाने के परिसर के भीतर व्यवस्था की जाएगी ।

3.2.3 ऐसे मांस का अलग करने के लिए जिनकी पशु चिकित्सक द्वारा और परीक्षा की अपेक्षा है उपयुक्त और पर्याप्त सुविधाओं की व्यवस्था की जाएगी ।

3.2.4 मानव उपभोग के लिए अनुपयुक्त और दूषित मांस को रखने के लिए उपयुक्त और पर्याप्त स्थान की व्यवस्था की जाएगी और उन्हें पृथक रूप से ताला बन्द किया जाएगा ।

3.3 प्रणीतित कक्ष :—

3.3.1 यह वैकल्पिक होगा किन्तु जहां प्रसंस्करण संयंत्र उचित यात्रा दूरी पर अवस्थित नहीं है वहां यह अपेक्षित होगा ।

3.3.2 यदि टांगने वाला हॉल, वातानुकूलित है तो उसका तापमान 10 सें.ग्रे. से अधिक नहीं होना चाहिए । दो प्रतिधारक कम्पार्टमेंट की जो जंगरोधी निर्दिष्ट माप वाले तार या विस्तारित धातु भाग से बने होंगे जिनका विस्तार भूतल से छत तक लगभग 75 मि०मी० होगा, की व्यवस्था की जाएगी ।

4. शवों के लिए छड़ें : शवों को टांगने के लिए उपयुक्त जंगरोधी धातु या गाल्वनीकृत मृदु चद्दर की हुक वाली छड़ों की व्यवस्था की जाएगी और उसी प्रकार की कंवेजी के लिए ऐसी व्यवस्था की जाएगी, जिससे कि अबाध वायु का परिसंचारण हो सके । हुकों को उपयुक्त रूप से साफ और नियमित रूप से निर्लीवाणुकृत किया जाएगा ।

5. सिविल निर्माण :

5.1 वध पूर्व परीक्षा और बाड़ा क्षेत्र : यह क्षेत्र हुव या ईंट द्वारा अभेद्य सामग्री जैसे कंकरीट अफिसलन हैरिंग-बोन प्रकार की सामग्री से जो टूट-फूट को सहन करने के लिए उपयुक्त हो, तैयार किया जाएगा और उसमें जल निकास की उपयुक्त सुविधाएं होंगी । बाडा अधिमानतः आच्छादित किया हुआ होना चाहिए ।

5.2 यानीय यातायात के लिए क्षेत्र : कंकरीट से तैयार क्षेत्र, भवन में जल निकास की समुचित सुविधाएं लदाई डाक या पशुवन प्लेटफार्म की व्यवस्था ऐसे स्थानों में की जाएगी जहां यानों की लदाई या उतराई की जाती है । पशुओं को ढोने वाले ट्रकों के लिए प्रेशर धुलाई जैटों और विसंक्रामण सुविधाओं की व्यवस्था की जानी चाहिए ।

5.3 जल निकास :—फर्श के सभी भाग जहां गीली संक्रियाएं की जाती हैं भली भांति जल निष्कासित होने चाहिए । यह महत्वपूर्ण है कि जल निकास के लिए फर्श का ढलान ऐसे किन्हीं गड्ढों के बिना एक समान हो जिससे कि द्रव पदार्थ इकट्ठा न हो । प्रणीतक कक्षों या शुष्क भण्डारण क्षेत्रों में नालियां नहीं दी जानी चाहिए ।

6. प्रकाश और संवातन :

6.1 काम करने के कमरों में सीधे प्राकृतिक प्रकाश और संवहन की व्यवस्था होनी चाहिए या यांत्रिक साधनों द्वारा पर्याप्त कृत्रिम प्रकाश और संवातन की व्यवस्था होनी चाहिए ।

6.2 अच्छी क्वालिटी की भली भांति फैले हुए कृत्रिम प्रकाश की व्यवस्था उन सभी स्थानों में होनी चाहिए जहां पर्याप्त प्राकृतिक प्रकाश उपलब्ध नहीं है या अपर्याप्त है ।

7. जल प्रदाय

7.1 परिसरों में पर्याप्त, सुरक्षित, पेय और निरन्तर ताजा पानी का प्रदाय सर्वत्र यथोचित दबाव पर उपलब्ध होगा

7.2 कार्य-समय के दौरान वधशाला हॉल और कार्य करने के कमरों में साफ गर्म पानी का निरन्तर प्रदाय उपलब्ध होगा।

7.3 कसाईखाने में कार्यरत व्यक्तियों के लिए हाथ धोने के लिए उपयुक्त सुविधाएं होंगी जिसके अन्तर्गत चालित गर्म और ठंड पानी के प्रदाय, नख साफ करने वाले ब्रश और साबुन तथा अन्य अपमार्जक भी हैं, व्यवस्था की जाएगी।

7.4 जहां अग्नि नियंत्रण, आदि के लिए अपथ जिल प्रयुक्त होता है वहां उसे अधिमानतः रंग से पहचान की जाने वाली पूर्णतः पृथक लाईनों में लाया जाएगा और पय जल लाने वाली लाईनों से उनका किसी भी प्रकार का प्रति-संबंधन या टेढ़ी नाली में सपश्च प्रवहन नहीं होगा।

8. सफाई और अनुरक्षण के लिए सुगमता : उत्पाद हथालने वाले जोन के सभी भाग आसानी से पूरी जानकारी और सफाई तथा निरीक्षण के लिए उपलब्ध होंगे।

9. अस्वीकृत सामग्री :—निम्नलिखित सामग्री कसाई-खाने में प्रयुक्त नहीं होगी, अर्थात् :—

(क) खाद्य उत्पादों के लिए प्रयुक्त उपस्करों में तांबा और उसकी मिश्रधातु।

(ख) खाद्य उत्पादों को हथालने वाले उपस्करों में किसी भी रूप में कैडमियम।

(ग) उत्पाद हथालने वाले जोनों में रंग लेपित सतह वाले उपस्कर।

(घ) इनेमल आधान या समतुल्य।

(ङ) सीसा

अनुसूची-5

कुकर संसाधित फटे मांस के लिए मानक

1. विस्तार :—यह मानक "फटे मास" के रूप में अभिहित उत्पादों को लागू होता है जिन्हें किसी उपयुक्त पैकेजिंग सामग्री में पैक किया गया है।

2. वर्णन :—यह उत्पाद मांस या कुक्कुट मांस या उनके मिश्रण से तैयार किया जाएगा जिसे संसाधित किया गया है और धुंए से पकाया गया है। प्रयुक्त मांस के कम से कम 50 प्रतिशत स्थूल टुकड़े हैं जो व्यास में 8 मि.मी. से अन्यून छिद्रों द्वारा मांस मूल के समतुल्य है। कोई भी टुकड़ा किसी एक आकार में 15 मि.मी. से बड़ा नहीं होगा।

उत्पाद में बाइंडर हो भी सकते हैं या नहीं भी हो सकते है। उपभोक्ता जिसके अधीन उत्पाद को रखा गया है और संसाधन तथा पैकेजिंग का प्रकार यह सुनिश्चित करने के लिए पर्याप्त होगा कि उत्पाद में कोई लोक स्वास्थ्य के लिए कोई परिसंकटमय पदार्थ नहीं है और वह भण्डार-करण, परिवहन तथा विक्रय की दशाओं में, जैसाकि पैरा 6.4 तथा 6.6 में उपदर्शित किया गया है स्वास्थ्यप्रद रहता है।

3. आवश्यक संमिश्रण और क्वालिटी कारक—(1) आवश्यक संघटक

— मांस या कुक्कुट मास या दोनों का मिश्रण

— जल

— संसाधित संघटकों में खाद्य ग्रेड नमक (सोडियम क्लोराइड) और पोटाशियम या सोडियम नाइट्रेट होगा।

(2) वैकल्पिक संघटक

— खाद्य वसा पर्स, संसाधित और असंसाधित, शूकर मांस झिल्ली पर्स कुक्कुट मांस

— कार्बोहाइड्रेट और प्रोटीन बाइंडर

— अवचूर्ण, फ्रेन से तैयार किया गया आटा या स्टार्च, आलू या मीठे आलू

— ब्रेड, बिस्कुट या बेकरी उत्पाद

— दुग्ध चूर्ण, मक्खनिया दूध चूर्ण केसिनेट, छेने के पानी का चूर्ण, अंडा प्रोटीन, शुष्क रक्त उत्पाद, सोया सब्जी प्रोटीन उत्पाद

— सुक्रोस, आयकणकरा ड्रेक्सट्रोस (ग्लूकोज) लैक्टोस माल्टोस, ग्लूकोज सिरप (जिसके अन्तर्गत कार्न सिरप भी है)।

हाईड्रोलिज्ड प्रोटीन

(3) संमिश्रण	बाईंडर के साथ उत्पाद	बिना बाईंडर के उत्पाद और खाद्य मांसोच्छिष्ट (किन्तु इसके अंतर्गत दूध पिलाने वाले जानवरों का दिल, जिह्वा या सर मांस भी है)
– न्यूनतम भीतर जाने वाले मांस के अंश	80%	90%
– अधिकतम वसा अंश	30%	25%

(4) आवश्यक क्वालिटी कारक

(i) कच्ची सामग्री—ये संघटक, जिनमें उत्पाद तैयार किया जाता है, ऐसी क्वालिटी के होंगे जो मानव उपयोग के लिए उपयुक्त हों और आपत्तिजनक गंध और सुरुचिकारक से मुक्त होंगे।

(ii) अन्तिम उत्पाद :—उत्पाद साफ होगा और पर्याप्त रूप में अभिरंजन और आधानों के संदूषण से मुक्त होगा। मांस और कुक्कुट मांस एक समान रूप में और पूर्णतः संसाधित होगा और उत्पाद ऐसा होगा, जिसका टुकड़ा किया जा सके।

4. खाद्य योज्यक	प्रवेश मात्रा
(1)	(2)
नाइट्रेट पोटाशियम और/या सोडियम नमक	200 मि.ग्रा./कि.ग्रा. कुल नाइट्रेट, जिन्हें सोडियम नाइट्रेट के रूप में दर्शित किया गया है।
	अन्तिम उत्पादों के कुल शुद्ध अंश के आधार पर संगणित अधिकतम लेबल
नाइट्रेट पोटाशियम और/या सोडियम नमक	125 मि.ग्रा./कि.ग्रा. कुल नाइट्रेट जिन्हें सोडियम नाइट्रेट के रूप में दर्शित किया गया है।
पोटाशियम क्लोराइड	उपर्युक्त विनिर्माण व्यवहार द्वारा सीमित।
(2) प्रति आक्सीकारक	अधिकतम स्तर
एसकारटिक अम्ल और सोडियम नमक आई ओ अम्ल और सोडियम नमक	शुद्ध अंश या अन्तिम उत्पाद पर संगणित निश्चित (गुड) तक सीमित विनिर्माण व्यवहार
(3) सुरुचिकारक	
सुरुचिकारक प्राकृतिक पदार्थ और प्राकृतिक तदरूप सुरुचिकारक पदार्थ	उपयुक्त विनिर्माण व्यवहार द्वारा सीमित।
(4) सुरुचिकारक वर्धक	
गआनोलेट, सोडियम 5 आइनोसिनेट डायसोडियम।	उपयुक्त विनिर्माण व्यवहार द्वारा सीमित।
(5) अम्लता विनियामक	
ग्लूकोज डेल्टा लैक्टोन सोडियम साइट्रेट	उपयुक्त विनिर्माण व्यवहार द्वारा सीमित।
(6) जल प्रतिधारण अभिकर्मक	
फास्फेट (प्राकृतिक रूप में विद्यमान और जोड़ा गया)।	8000 मि० ग्रा०/कि०ग्रा० (पी2°5 के रूप में अभिव्यक्त)।
जोड़ा गया फास्फट (मोनोडाई और पोली) सोडियम और पोटाशियम नमक	सकल या संम्मिश्रण रूप में 3000 कि०ग्रा०/कि०ग्रा० (पी 2°5 के रूप में अभिव्यक्त)।
(7) रंग	
रंग की कमी को पूरा बदलने के लिए केवल बाईडर सहित उत्पाद के लिए इरोथरोलिन (सीआई 45430)	15 मि०ग्रा०/कि०ग्रा०
5. संदूषण	अधिकतम स्तर
सीसा (पीबी)	0.5 मिलीग्राम/किलोग्राम
टिन (एसएन)	
टिन (एसएन) टिन प्लेट आधान में उत्पादों लिए।	200 मिलीग्राम/किलोग्राम
टिन (एसएन) अन्य आधानों में उत्पाद	50 मिलीग्राम/किलोग्राम

6. स्वच्छता :—(1) अनुपालन की जाने वाली स्वच्छता और अन्य स्वच्छता संबंधी अपेक्षाएं वे है जो कच्चे मांस (द्रुतशीतित या हिमशीतित) क्वालिटी नियंत्रण और निरीक्षण नियम, 1992 के अधीन दी गयी है।

(2) कोई भी मांस जिसके अन्तर्गत कुक्कुट मांस और उनके उत्पाद भी हैं किसी स्थापन द्वारा तब तक स्वीकृत नहीं किया जाएगा जब तक कि मांस या मांस उत्पाद ऐसे पशुओं से न लिए गए हों जो मरणोपूर्व और मरणोपरांत निरीक्षण के अधीन हों। उन्हें जब तक स्वीकार नहीं किया जाएगा जब तक कि उनपर उचित रूप से ब्रांड या चिन्ह न लगा हो और सभी तरह से मानव उपभोग के उपयुक्त न हो। और उन्हें उनको निरीक्षक द्वारा जांच की जाने के पश्चात् संदूषण के लिए आरक्षित न छोड़ा गया हो, या प्रसंस्करण न किया गया हो या हथालने में या कोई हानिकारक पदार्थ उसमें मिलाने से मानव उपभोग के लिए अनुपयुक्त हो जाता है।

(3) मांस को जिसके अन्तर्गत कुक्कुट मांस और उनके उत्पाद भी है किसी स्थापन में ऐसी रीति से हथाला जाएगा,

भण्डारित किया जाएगा या उसका परिवहन किया जाएगा जो मांस और मांस उत्पादों की संदूषण और क्षय से संरक्षा करे।

(4) ऐसे उत्पादों को जिनको पैकेजिंग के पश्चात् उष्मोपचारित किया जाता है ऐसे वायुरूप सीलबंद आधानों में पैक किया जाएगा जिससे कि उनमें मौजूदा स्वास्थ्य के लिए कोई परिसंकट न हो या लेबल पर उपदर्शित हथालने, भण्डारकरण, परिवहन और विक्रय की दशाओं में संदूषण न आने पाए। आधान साफ होंगे और उनमें ठोस आधान के लक्षण दर्शित होंगे और जहां आधानों के प्रकार को लागू हो वहां निर्वात का संकेत दर्शित होगा।

(5) ऐसे उत्पादों को जिनको पैकेजिंग से पूर्व उष्मोपचारित किया जाता है, इस प्रकार से पैक किया जाएगा कि संदूषण को कम से कम रखा जा सके जिससे कि उत्पाद खराब होने से बच सके और लेबल पर उपदर्शित हथालने, भण्डारण, परिवहन तथा विक्रय संबंधी दशाओं में लोक स्वास्थ्य के लिए कोई परिसंकट मौजूद न हो सके। आधानों में स्वास्थ्य के लिए कोई परिसंकटमय मौजूद होगा नहीं, हथालने की सामान्य दशाओं में संदूषण आने पाएगा। वे साफ होंगे, जहां लागू हो उसमें निर्वात का संकेत दर्शित होगा।

(6) जब प्रसंस्कृत आधानों को पानी में ठंडा किया जाता है तो पानी पेय क्वालिटी का होगा या उपयुक्त रूप से संशोधित किया हुआ होगा जोकि स्वास्थ्य को परिसंकट में न डालें।

(7) अन्तिम उत्पाद को ऐसी रीति से हथाला जाएगा और भण्डारित किया जाएगा जिससे कि उत्पाद को संदूषण से बचाया जा सके।

7. लेबल लगाना—(1) खाद्य का नाम : लेबल पर घोषित किया जाने वाला खाद्य का नाम "कटे मांस" होगा, सिवाय इसके कि "मांस" शब्द के स्थान पर ऐसा शब्द रखा जा सकता है जो प्रयुक्त मांस के प्रकार का वर्णन करे, या मांस की एक किस्म से अधिक किस्मों का प्रयोग किया गया है। कटे शूकर मांस, कटे कुक्कट मांस और बीफ के उत्पादों के नाम अवरोही क्रम में, अनुपात में अर्थात् आइडरों और खाद्य मांसाविष्ट की उपस्थिति की घोषणा और एक घोषणा उस पशु की जाति जिससे मांस, कुक्कुट मांस या दोनों का मिश्रण प्राप्त किया गया है उपदर्शित करते हुए दी जाएगी, यदि उनके लोप से उपभोक्ता को भ्रम पैदा होता है।

(2) संघटकों की सूची :

संघटकों की सूची में उन पशुओं की जाति जिनसे मांस, कुक्कुट मांस या दोनों का मिश्रण प्राप्त किया गया है उपदर्शित की जाएगी।

(3) तारीख अंकन और भण्डारकरण अनुदेश :

शेल्फ टिकाऊ उत्पादों के लिए न्यूनतम टिकाऊपन की तारीख, वर्ष में घोषित की जाएगी। ऐसे उन उत्पादों के लिए जो शेल्फ टिकाऊ नहीं हैं, अर्थात जिनके बारे में यह संभावना है कि उन्हें भण्डारकरण और विक्रय की सामान्य दशाओं में कम से कम 18 मास तक नहीं रखा जा सकता है और जिन्हें ऐसे आधानों में पैक किया गया है जो उपभोक्ता को देने के लिए या खानपान के प्रयोजनों के लिए तैयार हैं, न्यूनतम टिकाऊपन की तारीख, दिन, मांस और वर्ष में घोषित किया जाएगा। ऐसे उत्पादों के लिए जो शेल्फ टिकाऊ नहीं हैं और आधानों में पैक है जो सीधे उपभोक्ता को या खानपान की प्रयोजनों के विक्रय नहीं किए जाते हैं, पर्याप्त भण्डारकरण और वितरण अनुदेश घोषित किए जाएंगे।

(4) खुदरा-इतर डिब्बों पर लेबल लगाना

खुदरा आधानों पर लेबल लगाने के लिए आवश्यक समुचित सूचना या तो खुदरा-इतर आधानों पर या उससे संलग्न दस्तावेजों पर दी गई हैं, सिवाय इसके कि खाद्य वस्तु का नाम, तारीख अंकन और भण्डारकरण अनुदेश, लॉट पहचान तथा विनिर्माता या पैकेटों या पैकर का नाम और पता खुदरा-इतर आधानों पर होगा। तथापि पहचान चिन्ह के स्थान पर लॉट पहचान तथा विनिर्माता या पैकर का नाम और पता दिया जा सकता है परन्तु यह तब जब कि ऐसा चिन्ह उनसे संलग्न दस्तावेजों से स्पष्ट रूप से पहचान योग्य हो।

(5) शुद्ध अन्तर्वस्तु :

शुद्ध अंतर्वस्तु भार के आधार पर वस्तु या तो मीटरिक पद्धति में (अंतर्राष्ट्रीय पद्धति) यूनिटों में या एवायरडूपिस में या माप की दोनों पद्धतियों में, जो उस देश द्वारा जहां से माल विक्रय किया जा रहा है अपेक्षित हो।

(6) नाम और पता :

विनिर्माता/पैकर का नाम और पता घोषित किया जाएगा, परन्तु यह कि वह, पहचान चिन्ह के स्थान पर रखा जा सकता है, जहां वह ऐसा पहचान चिन्ह हो जो उदभव के देश द्वारा जारी किया गया हो।

(7) उदभव का देश :

उत्पाद के उदभव के देश स्पष्ट शब्दों में घोषित किया जाएगा। वह देश जिसमें प्रसंस्करण किया गया है, लेबल लगाने के प्रयोजन के लिए उदभव का देश माना जाएगा।

[फाईल सं. 6/3/92—ईआई एण्ड ईपी]

कुमारी सुमा सुब्रमण्णा, निदेशक

MINISTRY OF COMMERCE

ORDER

New Delhi, the 24th August, 1994

S.O. 2452.—Whereas, in exercise of the powers conferred by sec. 6 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), the Central Government is of the opinion that it is necessary and expedient so to do for the development of the export trade of India that Processed Meat Products should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Exort Inspection Council as required by sub-rule (2) of the rule 11 of the Export (Quality Control and Inspection) Rules, 1994;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby;

2. Notice is hereby given that any person desiring to forward any objection and suggesttion with respect to he said proposals, may forward the same within forty five days of the date of publication of this Order in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

1. To notify that Processed Meat Products shall be subjected to quality control and inspection prior to export.

2. To specify thee type of quality control and inspection in accordance with the draft Export of Processed Meat Products (Quality Control and Inspection) Rules, 1994 set out in Annexure appended to this Order as the type of quality control and inspection which shall be applied to such Processed Meat Products prior to export.

3. To recognize the specifications as set out in the Schedule to this Order as the standard specifications for Processed Meat Products.

4. To prohibit the export, in the course of internaional trade of Processed Meat Products unless a mark or seal recognised by the Central Government indicating that it conform to the standard specifications applicable to it, has been affixed or applied to packages of containers of such Processed Meat Products is accompanied by a certificate issued by the Agricultural Marketing Adviser to the Government of India or by any of the agencies established or recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) or by the Directorate of Animal Husbandry of State Governments to the effect that such Processed Meat Productions conform to the aforesaid standard specifications or any other specifications stpulated in the export contract, as the case may be, and is export worthy.

5. Nothing in this Order shall apply to the export by land, sea or air of bonafide samples of Processed Meat Products to prospective buyers, the F.O.B. value of which shall not exceed five thousand rupees.

6. For the proposes of this Order "Processed Meat Products' means meat products (other than fresh, chilled, frozen minced/ground meat) that have been manufactured subjecting the meat to processes such as curing, smoking, canning, cooking, dehydration and addition of salt, spices and enzymes either sigly or in combination.

ANNEXURE

DRAFT RULES PROPOSED TO BE MADE UNDER SECTION 17 OF THE EXPORT (QUALIY CCNTROL AND INSPECTION) ACT, 1963 (22 of 1963)

Short title and commencement.—(1) These rules may be called the Export of Processed Meat Products (Quality Control and Inspection) Rules, 1994.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definition.—In these rules, unless the context otherwise requires,

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Agency" means any agency for quality control or inspection or both, established or recognised under section 7 of the Act;

(c) "Animal" means a livestock belonging to any of the following species namely :—

(a) Buffalo;

(b) Sheep;

(c) Goat.

(d) "Boneless meat" means dressed meat which is from tendons, bones, cartilages and separable nerves;

(e) "Carcass" means the slaughtered body of an animal or any part thereof including viscera;

(f) "Canned Meat Products" means meat products packed in hermetically sealed containers which have been heat treated after sealing to such an extent that the product is shelf-stable;

(g) "Chilled" means that the core temperature of carcass, cuts or mince which does not exceed 4 degrees celsius at any stage;

(h) "Corned beaf" means chopped, cured or boneless carcass meat of buffalo and shall include head meat, heart meat and skirt meat;

(i) "Cuts" means meat obtained from dressed carcass and boneless meat;

(j) "Edible offal" means such offals and poultry skin as are fit for human consumption including lungs but not of the animal from which the lungs have been taken has been scalded by immersion in hot water, excluding ears, scalp, snouts but including lips and muzzle, mucous membrane, shews, genital system, udders, intestines and urinary bladder;

(k) "Halves" means sawed/chopped carcass divided into two equal halves splitting through the centre of the back bone or removing the back bone by cutting through the transverse process of the vertebrae;

(l) "Hermetically sealed contained" means a container which is completely sealed, rigid and impermeable and is made of any appropriate material suitable for the product;

(m) "Inspecting Officer" means a qualified veterinarian of the Central Government, State Government, Local Bodies or any officer suitable for the purpose appointed or recognised by the Agency;

(n) "Luncheon meat" means comminuted and cured meat and shall include edible offals or poultry meat, heat treated and packed to ensure that the product presents no public health hazard and remains wholesome under the conditions of storage and transport;

(o) "Meat" means the edible part of an animal including edible offal of buffalo, sheep and goat;

(p) "Minced meat" means comminuted meat of uniform grains obtained from boneless meat of buffalo, sheep or goat;

(q) "Net weight" means weight or Processed Meat when packed but does not include weight of the container and packing material;

(r) "Otherwise packed" means processed meat packed in any flexible packaging which does not interfere with the quality of the product;

(s) "Packaged" means packed in a container manufactured of materials which will not contaminate under normal conditions of handling.

(t) "Poultry" means domesticated birds, including chickens turkeys, ducks, geese, guinea-fowls, pigeons and quails.

(u) "Quarters" means the fourth part of Carcass or the out sides of a Carcass derived from halves and generally categprised as fore and hind quarters ;

(v) "Slaughter" means killing of an animal for food employing a humane method not inconsistant with the provisions of the prevention of cruelty to Animals Act, 1960 (54 of 1960) in a licensed slaughter house where the animal subjected to thorough ante-morten and post-mortem examinations ;

(w) "Slaughter house or abattoir" means any premises which is licensed by the local authority for slaughter of animals intended for human consumption.

(x) 'Lean' means meat free from separable fat.

3. Quality Control and Inspection—The quality control of Processed Meat intended for export shall be carried out with a view to ensuring that the same conforms to the specifications recognised by the Central Government, under Section 6 of the Act.

4. Requirement of an Abattoir—For the purpose of assuring the quality of Processed Meat for exports it shall be ensured that the abattoir where the animals are slaughtered shall meet the following requirements :

(a) All abattoirs servicing raw material requirements of the industry for meat for export and in existence as on the date of commencement of these rules shall comply with the requirements stipulated in IS 4393-1979 'Basic requirement for an abattoir'.

(b) The abattoirs or slaughter houses constructed after the date of the notification of these rules and utilised for purposes of securing raw material for export of meat shall comply with the requirements of IS 4393-1979.

(c) Where after the date of notification of these rules, abattoirs or slaughter houses are constructed for purposes of source of meat for export and these are in conformity with any accepted international standards for abattoirs, such units shall not be required to comply with IS standards mentioned above and shall be eligible for licensing on the basis of compliance with any other accepted international standards.

(d) In the case of existing abattoirs which do not meet with the requirements of clause (a) at present, they shall have to conform to the requirements within a period of three years from the date of commencement of these rules, the minimum requirements for an abattoir not conforming to IS 4393-1979 shall meet the requirement stipulated in Schedule-IV.

5. Conditions for Ante-mortem and Post-mortem Inspection—The animals shall be subject to ante-morten and post-mortem inspections by qualified vaterinarians.

6. Storage—(1) The carcass halves/quarters shall be hung in the chill room in such a way that they will be at least 30 centimetre from the ceiling, 10 centimetre from the walls and 10 centimetres from the floor.

(2) Processed Meat Products shall be stored in such a way that it will preclude the contamination with proliferation of micro-organisms and protect against deterioration of the product or damage to the container. During periodic inspection of the processed Meat Products, the agency shall ensure that the products which are fit for human consumption are dispatched and that end product specification should be complied with when they exist. It shall be dispatched in the sequence of the lot numebrs.

(3) Facilities meeting hygenic requirement's for storing the containers used for Processed Meat Products in such a way that neither the products nor the containers come into direct contact with the ground.

(4) The following provisions shall apply where Processed Meat Products are placed in chilling rooms namely :—

(a) Entry should be restricted to personnel necessary to carry out operations efficiently.

(b) Doors shall not be left open for extended period and shall be closed immediately after use.

(c) Containers holding Processed Meat Products shall not be stacked directly on the floor.

(d) Warm products should be chilled before packaging into large containers to prevent deterioration of the central part of the product. Rapid cooling down of all packages of Processed Meat Products and maintaining non-self stable Processed Meat Products at chill temperature are essential. They shall be placed on pallets or on dunnage in such a way that there is adequate air circulation.

(e) No chilling room shall be loaded beyond its designated capacity.

(f) Where refrigeration equipment is not manned, automatic temperature recorders should be installed. If no automatic device is installed, temperature shall be read at regular intervals and the readings shall be recorded in a log book.

7. Sanitary and other requirement of Meat Processing Plant—The premises shall be fit for processing unit approved and registered by the local authority.

7.1 The premises shall not be located in an area subjected to frequent flooding.

7.2 All yards, out houses stores and all approaches to the factory shall always be kept clean and in sanitary condition.

7.3 The road within the premises shall be metalled.

7.4 The premises shall be located in a sanitary place. Wherever marine products, fruits and vegetable are handled in the same area, the premises where meat is processed shall be adequately partitioned from the premises where these products are processed or leave a gap of seven days between different processings in case they are carried out in the same processsing hall.

7.5 It shall exclude the entry of dogs, cats, rodents, insects, files crows bats and vultures. The use of poinsons or baits is prohibited in place where processing is carried out or any packed product is stored.

7.6 The premises shall be so constructed and maintained as to permit hygienic processing and dressing. All operations in connection with the processing or packing of carcass meat shall be carried out under strict hygienic conditions and under the supervision of the qualified veterinarious of the Central Government or Agency. Meat shall not come in contact with floors, walls or other structures except those which are specially designed for contact with meat. No portion of the processing area shall ever be used for living or sleeping purposes unless it is separated from the processing/dressing area by a wall.

7.7 All the parts of the authorised premises shall always be kept clean. adequately lighted, (the intensity should be 220 Lux in work rooms and shall 550 Lux in inspection areas) and ventilated and shall be regularly cleaned, disinfected and deordorised. The premises should provide adequate working space for the satisfactory performance of all operations. The flooring shall be impervious non-slippery and washed daily with disinfectant. The floor should slope sufficiently for liquids to be drained off to trapped outlets protected by a grill except in rooms where meat is frozen

or stored frozen. Lime washing, colour washing or painting, as the case may be, shall be done at least once a year. The dates when this is to be undertaken shall be intimated in advance to the Agency to facilitate verification and inspection. The floors, walls, ceilings, partitions, doors and other part of all structures shall be of such material, construction and finish that they can be readily and thoroughly cleaned.

The walls shall be tiled with white glazed ceramic tiles upto a height of 1.5 meters to enable washing with hot water and chemical disinfactants. Alternatively, suitable coatings or hygienic panels, may be used instead of ceramic. The walls shall be free from cracks, crevices and dampness.

7.8 All plant areas utilized for processing of meat shall be appropriately protected against ingress of flies.

7.9 The ceiling shall be of permanent nature and prevent accumulation of dirt and minimize condensation, mould development and flaking, and should be easy to clean. Wherever stairs are there, they should be constructed with such material which can be cleaned easily and effectively, should have side curb with a minimum height of 15 centimeters.

7.10 The processing area shall be free from coowebs and spiders.

7.11 The rooms and compartments in which the meat is processed or stored shall be free from dust and odour emanating from the dressingrooms, toilets catch basings by-product storage, animal pens.

7.12 The equipment shall be so placed as to permit thorough inspection for cleanliness. All the tables and equipments used for dressing of carcasses shall be or such material which can be easily cleaned, sterilised and is impervious to water, resistant to chemicals and rust, and smooth. Equipments and utensils used for edible or condemned materials should be so identified and should not be used for edible meat. No vessel or container for storage of meat made up of galvanised iron or iron shall be used except meat freezing trays which may be of galvanised iron. Copper or brass vessels when used should be heavily tinned. Use of wooden equipment structures in the processing area shall be avoided. Wooden Chopping blocks and wooden handles or knives which when used shall be daily washed with hot water or steam sterilised. The wooden chopping blocks shall be strong enough to withstanding chopping and shall not contaminate the meat with wood dust.

7.13 The processing area shall not be used for the processing of any material other than meat of the same species without approval of the Agency.

7.14 All drainage and plumbing system shall be designed for efficiency and adequacy having regard to the plant and all drains and gutters shall be permanently installed. The drainage system of the processing unit shall not be connected with in the processing building with the drains receiving effluent materials from the toilets or animal pens. Manholes will be leakproof to avoid back flow of the waste matter due to blockage.

7.15 The entry to the processing area shall be restricted and process workers from slaughter house or by-product section shall not be allowed to enter the clean area that is processing or packing area. For easy identification the uniforms of workers of the clean area shall be different from those of workers in other areas.

7.16 All activities relating to meat processing and having requirements of the use of water shall be supported by access to adequate clean and potable water. The water to be utilised in the plant for processing related activities shall be subjected to regular testing and the plan shall have adequate arrangements for such testing. If upon testing, water which is to be poured is unwholesome or non-potable, the fact shall be reported to the authorities responsible for the supply and if it is from processors' own sources then processor shall take all necessary steps to render the water wholesome and potable.

7.17 Wash basins with ample detergent and harmless antiseptic solution, preferably with foot operated face having water supply shall be provided at each entry and exit points.

7.18 Ample supply of water shall be provided for the workers and for keeping the plant clean. Tables, hand saws, knives, steels, cleavers knives pouches containers for storage or meat shall be washed thoroughly with detergent solutions and hot water. Hot water at 82°C and above should bt available for serilisation of knives and other cutting tooth equipment. If non potable water is used for producing of steam or for refrigeration or fire control or any other purpose unconnected with processing then such water should be carried in completely cross connection or back siphonage with the lines carrying potable water supply.

7.19 No person having any open wound on the hands shall be allowed to work in the processing area. No person suffering from infections or contagious disease shall be allowed to enter the premises. Annual medical check up of all the employees shall be carried out by a registered medical practitioner with minimum MBBS qualification. A record of such examinations duly signed by a registered medical practitioner shall be maintained and presented to the inspecing officer as and when desired by him. Overcrowding of employees in the processing area shall be avoided by providing working table at sufficient distance from each other.

7.20 Spitting chewing and smoking shall be prohibited in the processing area.

7.21 The finger nails and hairs shall be properly trimmed or covered. Combing of hairs in processing area and cleaning and blowing of nose shall be prohibited in the processing area.

7.22 All process workers shall be provided with aprons, head wear, hand gloves and footwear of such material which can be easily cleaned and disinfected. The supervisory staff shall ensure that the same are properly cleaned and the workers are neat, clean and tidy. Adequate, suitable and conveniently located changing facilities should be provided.

7.23 The authorised premises shall have adequate cold storage facilities.

7.24 The cold storage (chilling room, freezing room, frezer store) shall be licensed premises. Temperature records of the cold storage shall be maintained and retained for one year.

7.25 All external accesses to the processing area shall be provided with antiseptic foot bath for persons entering the processing area.

7.26 Provision as to lavatories as per Marine Product Export Development Authority.

7.27 Exhaust fans shall be provided where necessary.

7.28 Trolleys used for transportation of the waste be marked to identify them from those which shall be exclusively used for the transportation of carcass meat.

7.29 Waste material should be handled in such a manner as to exclude contamination of food or portable water. Precaution should be taken to prevent access to waste by pests. Waste should be removed from the meat and meat products handling and other working areas at regular intervals and at least once a day. Waste receptacles used for storage and equipment which have come into contact with the waste, should be cleaned and disinfected. At least once a day in a week the waste storage area also should be cleaned and disinfected.

7.30 All the processing areas and equipments shall be cleaned and disinfected after each days' work.

7.31 A definite time schedule shall be adopted for cleaning and sanitizing and chilling room.

8. Method of Sampling and Testing—The inspection of processed Meat Products meant for export shall be done

by drawing samples wherever as per instructions contained in Schedule I to these rules and testing the same with a view to seeing that the consignment conforms to the standard specifications.

9. Place of Inspection—The inspection of processed Meat products for the purpose of these rules shall be carried out at the premises of the processor or manufacturer who shall provide all necessary facilities to the agency to carry out such inspection.

10. Inspection Fee—Inspection fee shall be paid to the agency at he rate of Rs. 0.15 per tin/package of 1 kilogram or part thereof subject to a minimum of Rs. 100 per consignment of processed Meat.

11. Instructions Agency—Regarding sanitation in the premises, cleanliness of personnel and equipment, operational procedures, method of sampling, testing packaging, marking and inspection of processed meat at all stages and maintenance of records thereof, all instructions issued from time to time by the Council and compatable with these rules shall be adhered to.

12. Conditions for Transport of Carcasses/Processed Meat Products—(1) The conditions stipulated in column (2) of the following table are to be followed for transportation of carcasses Meat depending upon type of meat :—

Type of Meat	Specifications for transport
(1)	(2)
Fresh	Vehicles fully covered with impervious flooring and side walls (In case of transport over distance exceeding 100 kilometer suitable arrangement shall be made to maintain a temperature not exceeding 6°C.
Chilled	Transported in refrigerated/insulated vans. In case of transport over distance exceeding 100 kilometer suitable arrangement shall be made to maintain a temperature not exceeding 6°C.
Frozen	Transported in insulated/refrigerated vans. The temperature of the carcass meat shall not go above minus 8°C.

(2) Means of transport of containers shall comply with the following conditions :—

(a) All internal finishes shall be made of corrosion resistant material, be smooth, impervious and easy to clean and disinfected. Joints and doors shall be sealed so as to prevent the entry of pests and other sources of contamination.

(b) The design and equipment should be such that the required temperature can be maintained throughout the whole period of transport. Where transport is under refrigeration, it is desirable to install temperature recorders. If no automatic device is installed, temperature shall be taken at regular intervals and the reading shall be recorded in a log book.

(c) Vehicles intended for the transport of processes Meat products shall be equipped in such a way that the products do not come into contact with the floor.

(d) Processed Meat Products shall not be carried in the any means of transport which is used for conveying live animals.

(e) Processed Meat Products shall not be carried in the same means of transport as other goods in a way which may adversely affect the products.

(f) Processed Meat Products shall not be placed in any means of transport which are not clean. It shall be cleaned and disinfeeted before loading.

13. Basis of Inspection—Inspection of processed Meat Products intended for export shall be carried out with a view to seeing that the same conforms to the specifications recognised by the Central Government under Setcion 6 of the Act as set out in Schedule III (pp 29—36), Schedule IV (pp 37—40) and Schedule V (pp 41—48) to these rules.

14. Application for Inspection—An exporter intending to export processed Meat Products shall submit an application giving particulars of consignment intended to be exported to the nearest office of the agency.

15. Time Limit for Drawal of Samples—The agency shall draw samples within five working days from the date of receipt of application from the exporters.

16. Issue of Veterinary Health Certificate—On receipt of the applications under rule 14, the agency on satisfying itself on the basis of inspection carried out that the consignment has been processed and packed according to the standard specifications applicable to it, shall issue Veterinary Health Certificate declaring the consignment of processed Meat Products as fit for human consumption and export-worthy. It shall be lawful for the agency to supervise, oversee and secure compliance of these rules.

17. Refusal to Issue Veterinary Health Certificate—Where the agency is not satisfied it shall refuse to issue the certificate. Such refusal alongwith the reasons thereof, shall be communicated to the exporters within a period of five days of drawal of samples in case of otherwise packed meat products and a period of 21 days from the date of drawal of sample in case of canned meat products.

18. Check Inspection—Subsequent to certification, the agency shall have the right to re-assess the quality of the consignment in storage or in transit or at the ports. In the event of consignment being found not conforming to the standard specification, at any of these stages the certificate originally issued shall be withdrawn.

19. Validity of Veterinary Health Certificate—The veterinary Health Certificate shall be valid for a period of 180 days from the date of passing of the consignment in case of canned processed Meat and for such period as may be specified therein in case of other products 180 days. If more than one consignment approved on different days is presented in one application the validity of the certificate shall be recorded from the earliest date of approval.

20. Revalidation of Veterinary Health Certificate—If the consignment is not shipped within the period of validity of the inspection certificate, the exporter shall be permitted to present the certificate for revalidation. In such cases, the validity shall be extended for a further period of 90 days in case of canned processed Meat Products and the validation period in case of otherwise packed product should also be 90 days. No further revalidation shall be permitted, thereafter without re-inspection.

21. Appeal—(1) Any person aggrieved by the refusal of the agency to issue Veterinary Health Certificate may within fifteen days of receipt of the communication of such refusal by him prefer an appeal to a panel of experts consisting of not less than three but nor more than seven persons appointed for the purpose by the Central Government.

(2) The quorum of the panel shall be three.

(3) The appeal shall be disposed of within fifteen days on its receipt.

SCHEDULE 1

SAMPLING OF CANNED PROCESSED MEAT PRODUCT

1. General Requirements of Sampling.—(1) Sampling shall be done by a person duly authorised by the designated Agency and in the presence of the manufacturers/exporter.

(2) Samples shall be stored and transported in such a way that the temperature of the material does not vary from the normal room temperature.

2. Scale of Sampling.—(1) In any consignment all the cases containing cans of the same size and from the same batch of manufacture shall be grounded together to constitute a lot.

(2) Samples shall be tested for each lot for ascertaining conformity of the material as per requirement of Schedule II to IV.

(3) The number of cans to be selected from the lot for testing the physical, chemical and microbiological requirements shall depend upon the size of the lot and shall be in accordance with Column (1) and (2) of the Table 1 given below.

TABLE—1

Selection of Cans for Testing

Number of Cans in the Lot (N)	Number of Cans to be Selected (n)
1	2
Upto 500	—6
500—1000	—7
1001—5000	—8
5001—10000	—9
above 10000	—10

(4) These cans shall be selected at random. The minimum number of packing cases to be opened may be in accordance with Table 2. The cans required as in 2.2 shall then be drawn at random, selecting at least 2 cans from each packing case.

(5) In order to ensure the randomness, random number tables shall be used. In case such tables are not available, the following procedure may be adopted.

(6) Arrange all the cans in a systematic manner and starting from any can everyrth can shall be withdrawn, γ being the integral part of N/n where N is the total number of cans in the lot, and n is the number of cans to be selected.

Table—2

Opening of Packing cases (Clause 2.3)

No. of Packing Cases in the lot (N)	Number of Packaging cases to be opened (n)
upto 100	2
101—500	—3
501—1000	—4
1001—5000	—5
above 5000	6

1. Number of Tests —A representative sample drawn from the cans, selected for physical and chemical requirements, shall be tested for vacuum, head space, sodium chloride, nitrite, heavy metals and protein.

2. Tests for Microbiological Requirements :—(1) Incubation at 37°C=2 of the cans selected shall be incubated at 37°C for not less than 14 days and subjected to microbiological examination.

(2) Incubation at 55°C—Another 2 cans shall be incubated at 55°C for not less than 14 days and subjected to microbiological examination.

3. Criterion for Conformity:—A lot shall be considered as conforming to the requirements of this standard if all the samples tested satisfy the corresponding requirements for the characteristics.

SCHEDULE II

STANDARD FOR CORNED BEEF

1. Scope :—This standard applies to canned buffalo meat designated as "Corned Beef" and sold in hermetically sealed containers which have been heat treated after sealing to such an extent that the product is shelf-stable.

It does not apply to meat products of the type "Corned Beef" with compositional characteristics different from these specified. These products shall be designated with a qualifying statement which describes the true nature in such a way that it does not mislead the consumer and that it does not lead to confusion with products covered by this standard.

2. Description :—Corned beef is chopped, cured, boneless carcase meat from buffalo live-stock and may include head meat, heart meat and skirt meat.

The product shall be prepared from coarsely cut buffalo meat which has been precooked or a mixture of such precooked meat to which a maximum of 5 per cent raw meat has been added, in either case, the meat shall be cured before or after filling into the container.

The heat treatment shall be applied after the container is sealed and shall be sufficient to ensure that the product is shelf-stable and that it presents no public health hazard.

3. Essential Composition and Quality Factors :—(1) Essential ingredients :—

— uncured buffalo meat.

— curing ingredients consisting of food grade salt and sodium or potassium nitrite.

(2) Optional Ingredients :—

— Sucrose, invert sugar, dextrose (glucose), lactose, maltose, glucose syrup (including corn syrup).

— Textured vegetable, protein, cereals and starch pro-
— vided that the total quantity of optional ingredients does not exceed 50 per cent by weight.

(3) Composition :—The total protein content in the final product shall not be less than 21 per cent m/m.

(4) Raw Material :—The meat from which the product prepared shall be of a quality suitable for consumpation and free from objectionable odours and flavours.

(5) Final Products :—The final product shall be clean and substantially free from staining and contamination from the container. The meat shall be uniformly and thoroughly cured and the product shall be capable of being sliced, when chilled.

4. FOOD ADDITIVES	
(1) PRESERVATIVES	Maximum level Calculated on the total net content of the final product.
A. Nitrite, potassium and/or sodium	50 milligram/kilogram total nitrite expressed as sodium nitrite, Limited by good manufacturing practice.
B. Potassium chloride	
(2) ANTIOXIDANTS: Ascorbic acid and its sodium salt	Limited by good manufacturing practices.
5. CONTAMINANTS	Maximum Level
Lead (Pb)	1 milligram/kilogram
Tin (Sn)	
Tin (Sn): for products in tinplate containers	200 milligram/kilogram
Tin(Sn) :for products in other containers	50 milligram/kilogram

6. HYGIENE : (1) The sanitary and other hygiene requirements to be complied with are as given under raw meat (chilled or frozen) (Quality Control and Inspection) Rules, 1992.

(2) All meat in the manufacture of corned beef shall have been derived from animals subjected to antemortem and postmortem inspection. It shall have been passed by an inspector as fit for human consumption. Meat shall not, subsequent to being examined by an inspector, have been exposed to contamination or processed or handled or subjected to the addition of any harmful substance which renders it unfit for human consumption.

(3) Raw or semi-processed meat and corned beef shall be handled, stored or transported in an establishment in a manner that will protect the meat and the corned beef from contamination and deterioration.

(4) The Product shall be packaged in hermetically sealed containers which do not permit contamination and which shall be clean and show the characterisation of sound containers and shall show evidence of vacuum.

(5) When processed containers are cooled in water the water shall be of potable quality or suitably treated so as not to constitute a public health hazard.

(6) After processing containers shall be handled in such a manner as to avoid contamination.

7. LABELLING :—(1) Name of the food : The name of the food product to be declared on the lebel shall be as "Corned Beef".

(2) List of Ingredients : A complete list of ingredients shall be declared on the label in descending order of production and a specific name shall be used for all the ingredients.

(3) Date Marking and Storage Inspection : For canned corned beef which is a shelf-stable product the date of minimum durability shall be indicated by the year.

(4) Labelling of Non-retail containers : Information as appropriate needed for labelling of retail containers is given either on the non-retail container or in accompanying documents except that the name of the food, date marking and storage instructions, lot identification and the name and address of the manufacturer or packer shall appear on the non-retail container. However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.

(5) Net Contents : The net contents shall be declared by weight in either the metric (Systems International) units or avoirdupois or both systems of measurements as required by the country in which the product is sold.

(6) Name and Address : The name and address of the manufacturer/packer shall be declared provided that it may be replaced by an identification mark where such an identification mark has been issued by the country of origin.

(7) Country of Origin : The country of origin of the product shall be declared in clear words. The country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

SCHEDULE-III

STANDARD FOR LUNCHEON MEAT

1. SCOPE : The standard applies to products designated as "Luncheon Meat" which have been packed in any suitable packing material.

2. DESCRIPTION : The product shall be prepared from meat of poultry meat or a combination of these which has been comminuted and cured and which may have been smoked.

The product may or may not contain binders.

The heat treatment to which the product has been subjected and the type of cure and packaging shall be sufficient to ensure that the product presents no public health hazard and remains wholesome under the conditions of storage, transport and sale as indicated in sub-section 6.4 and 6.5.

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS :

(1) Essential Ingredients :

— Meat or poultry meat or a combination of these

— water

— Curing ingredients consisting of food grade salt and sodium or potassium nitrite.

(2) Optional Irgredients :

— Edible offal, fat per se, cured and uncured pirk find per se;

— Carbohydrate and protein hinders such as ;

— Meal, flour or starch prepared from grain or sweet potato.

— Bread, biscuit or bakery products.

— Milk powder, skim milk powder, butter milk powder, cassinate, whey powder, egg protein textured vegetable protein, ground nut protein, dried blood products, soya floor, soya protein, wheat gluten, lupin meal, sunflower-meal.

Sucrose, invert sugar, dextrose (glucose), lactose maltose, glucose syrup (including corn syrup).

— Spices, seasonings and codiments.

— Hydrolyzed protein.

(3) Composition	Product with Binder	Product without binder and edible offal (But may include Heart Tongue or Head Meat.
—Minimum ingoing meat content	80%	90%
- Maximum fat content	35%	30%

(1) Essential Quality Factors :

(i) Raw Material : The ingredients from which the product is prepared shall be of a quality suitable for human consumption and free from objectionable odours and flavours.

(ii) Final product : The product shall be clean and substantially free from staining and contamination from the container. The meat and poultry meat shall be uniformly and thoroughly cured and the product shall be capable of being sliced.

4. Food Additives	Maximum in going amount
(1) Preservatives	
Nitrite, Potassium and/ or sodium salts	200 Milligram/kilogram total nitrite expressed as sodium nitrite. Maximum level calculated on the total net content of the Final Product.
Nitrite, potassium and/ or sodium	125 milligram/kilogram total nitrite expressed as sodium.
Potassium chloride	Limited by Good manufacturing practice.
(2) Antioxidants :	
Ascorbic acid and sodium salt Iso-ascorbic acid and sodium salt	Limited by good manufacturing practice.
(3) Flavours :	
Natural flavouring substances and nature-identical flavouring substances.	Limited by good manufacturing practice.
(4) Flavour Enhancers:	
5 Guanylat, disodium 5 Inosinate, disodium	Limited by good manufacturing practice.
(5) Acidity Regulators :	
Glucono-delta-lactone sodium citrate	Limited by good manufacturing practice.
(6) Water Retention Agents:	
Phosphates (naturally present plus added)	8000 milligram/kilogram (expressed as P2 O5)
Added phosphates (mono-di-and poly sodium and potassium salts).	3000 milligram/kilogram (expressed as P2O5) singly or in combination.
(7) Colours :	
Erythrosine (CI 4530) to replace loss of colour (for the product with binder only).	15 milligram/kilogram

5. CONTAMINANTS	Maximum level
Lead (Pb)	0 5 milligram/kilogram
Tin (Sn)	
Tin (Sn) : for products in tinplate containers	200 milligram/kilogram
Tin (Sn) : for products in other containers	50 milligram/kilogram

6. HYGIENE :

(1) The sanitary and other hygienic requirements to be complied with are as given under raw meat (chilled or frozen) Quality Control and Inspection Rules, 1994.

(2) No meat including poultry meat and their products shall be accepted by an establishment unless the meat or meat products have been derived from animals subjected to ante-mortem and post-mortem inspection. They shall not be accepted unless they are properly branded or marked and in all ways suitable for human consumption and that they have not, subsequent to being examined by an inspector, been exposed to cotamination or processed or handled or subjected to the addition of any harmful substance which renders them unfit for human consumption.

(3) Meat including poultry meat and their products shall be handled, stored or transported in an establishment in a manner that will protect the meat and meat products from contamination and deterioration.

(4) Products that are heat treated after packaging shall be packed in hermetically sealed containers which do not present any health hazard or permit contamination under the conditions of handling, storage, transport and sale indicated on the label. The containers shall be clean and show the characteristics of sound containers and, where applicable to the type of container, shall show evidence of vacuum.

(5) Products that are heat treated before packaging shall be packaged in such a way that contamination is kept to a minimum so that the product will withstand spoilage and present no public health hazard under the conditions of handling, storage, transport and sale indicated on the label. The containers shall not present any health hazard or permit contamination under normal conditions of handling. They shall be clean and where applicable show evidence of vacuum.

(6) When processed containers are cooled in water, the water shall be of potable quality of suitably treated so as not to constitute a public health hazard.

(7) The final product shall be handled and stored in such a manner as to avoid contamination of the product.

7. LABELLING :—

(1) Name of the Food : The name of the product to be declared on the label shall be 'Luncheon Meat'.

A declaration of the presence of binders and of edible offal and a declaration indicating the species of animal from which the meat, poultry meat or a combination of these are derived shall be given in connection with the name of the product if their ommission would mislead the consumer.

(2) List of Ingredients :

A complete list of ingredients shall be declared on the label in descending order or proportion except that specific names shall be used for ascorbic acid, iso-ascorbic acid and their sodium salts and nitrite (Potassium and sodium) and that added phosphates may be declared by the class title 'phosphates'.

The list of ingredients shall indicate the species of animals from which the meat poultry meat or a combination of these are derived.

(3) Date Marking and Storage Instructions :

(i) For shelf-stable products the date of minimum durability shall be declared by the year.

(ii) For products which are not fully shelf-stable, i.e. which may be expected not to keep for at least 18 months in normal conditions of storage and sale, and which are packaged in a container ready for offer to the consumer or for catering purposes, the date of minimum durability shall be declared by day, month and year.

(iii) For products which are not shelf-stable and which are packaged in containers not sold directly to the consumers or for catering purposes, adequate storage and distribution instructions shall be declared.

(4) Labelling of Non-retail containers.—Information as appropriate needed for labelling of retail containers is given either on the non-retail containers or in accompanying documents except that the name of the food, date marking and storage instructions, lot identification and the name and address of the manufacturer or packer shall appear on the non-retail container However lot identification and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such mark is clearly identifiable with the accompanying documents.

(5) Net Contents.—The net contents shall be declared by weight in either the metric ('system international') units or avoirdupois or both systems of measurement as required by the country in which the product is sold.

(6) Name and Address.—The name and address of the manufacturer packer shall be declared, provided that it may be replaced by an identification mark where such identification mark has been issued by the country of origin.

(7) Country of Origin.—The country of origin of the product shall be declared in clear terms. The country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

SCHEDULE—IV

MINIMUM REQUIREMENTS FOR AN APPROVED ABATTOIR NOT CONFORMING TO IS-4393-1979

1. General.—The requirements indicated in the schedule will be provided|funded for by Government|Civic agencies at all approved public abattoirs|slaughter houses.

2. Layout.—The abattoir|slaughter house shall have the following essential facilities :—

(a) Resting place for animals before slaughter,

(b) Adequate facilities for ante-mortem inspection,

(c) Carrying out humane slaughter,

(d) Flaying, dressing and washing of the carcasses,

(e) Hanging carcasses and edible offal,

(f) Handling by-products,

(g) Inspection of meat and disposal of meat unfit for human consumption,

(h) Segregation wards for sick|diseased animals,

(i) Adequate water supply.

3. Units in an Abattoir.—The abattoir shall have the following units :—

(a) Reception area or resting grounds,

(b) Lairages,

(c) Slaughter halls,

(d) Ancillary accommodation,

(e) Refrigerated room (Optional).

3.1 Slaughter Hall :

3.1.1 Separate provisions, wherever required, shall be made for slaughtering, dressing animals in accordance with halal, jhatka and jewish methods :—

(a) Sheep and goats,

(b) Large animals.

3.1.2 The slaughter halls and ancillary accommodation thus provided shall be separated.

31.3 Separate space shall be provided for stunning (wherever applicable) bleeding and dressing of carcasses.

3.1.4 A curbed-in bleeding area of adequate size should be provided.

3.1.5 Dressing of carcasses should not be done on floor.

3.16 Adequate space and suitable and properly located facilities shall be provided for inspection of viscera of the various types of animals sloughtered.

3.1.7 Carcasses washing.—A curbed and separately dry area or an area sufficient size slopped to a floor drain.

3.2 Ancillary Accommodation,—

3.2.1 A separate room and hanging space shall be provided for empyting and cleaning of stomach and intestines.

3.2.2 Suitable and sufficient accommodation shall be provided for the isolation of meats requiring further examination by the veterinarian in a suitable laboratory within the premises of the abattoir.

3.2.3 Suitable and sufficient facilities shall be provided for the isolation of meat requiring further examination by the veterinarian.

3.2.4 Suitable and sufficient accommodation shall be provided for the retention of all meat condemned and unfit for human consumption and shall be locked up separately.

3.3 Refrigerated :

3.3.1 This shall be optional but required where processing plants are not located within reasonable travelling distance.

3.3.2 Hanging halls, if air-conditioned, should have temperature not higher than 10°C. Two retaining compartments constructed of rustresistant wire gauge or expanded metal portion extending from about 75 mm above ground to ceiling should be provided.

4. Rails for carcasses.—Rails with hooks of suitable rust-proof metal or galvanised mild sheet shall be provided for hanging the carcasses and similar provision for plucks shall be made, permitting free circulation of air. The hooks shall be suitably cleaned and sterilized regularly.

5. Civil Construction :

5.1 Ante-mortem and pan Area.—The area should be paved with impervious material such as concrete non-slippery herring-bone type suitable to stand wear and tear by hooves or brick and patched to suitable drainage facilities. The pan should preferably be covered.

5.2 Areas for vehicular Traffic.—Concrete paved areas, properly drained facilities from building, loading docks or live-stock platforms shall be provided at places where vehicles are loaded or unloaded. Pressure washing jets and disinfaction facilities for trucks carrying animals should be provided.

5.3 Drainage.—All parts of floors where wet operations are conducted should be well drained. It is important that the floors slope uniformly to drains with no low sports which collect liquids. Floor drains should not be provided in freezer rooms of dry storage areas.

6. Lighting and Ventilation :

6.1 Work rooms should be provided with adequate direct natural light and ventilation or ample artificial light and ventilation by mechanical means.

6.2 Well distributed artificial lighting of good quality should to provided at all places where adequate natural light is not available or insufficient.

7. Supply of water :

7.1 A sufficient, safe, potable and constant supply of fresh water shall be available at adequate pressure throughout the preemises.

7.2 A constant supply of clean hot water shall be available in the slaughter hall and work-rooms during work hours.

7.3 Suitabe facilities for washing hands including adequate supplies of hot and cold running water nail brushes and soap and other detergent shall be provided for persons working in an abattoir.

7.4 Where non-potable water is used for fire control, etc.—it shall be carried in completely separate lines preferably identified by colour and with no cross connections or back siphonage with lines of potable water.

8. Accessibility for Cleaning and Maintenance.—All parts of the product handling zone shall be readily available in sight and reach for cleaning and inspection.

9. Non-acceptable Materials.—In an abatroir the following materials shall not be used, namely :—

(a) Copper and its alloys in equipment used for edible products,

(b) Cadmium in any form in equipment handling edible products.

(c) Equipment with painted surface in product handling zones.

(d) Enamel containers or equivalent

(e) Lead.

SCHEDULE—V

STANDARD FOR COOKER CURED CHOPPED MEAT

1. Scope.—The standard applies to products designated as "Chopped Meat" which have been packed in any suitable packaging material.

2. Description.—The product shall be prepared from meat or poultry meat or a combination of these which has been cured and which may have been smoked At least 50% of the meat used shall consist of coarsely cut pieces equivalent to meat ground through holes of not less than 8 mm in diameter. No piece shall be greater than 15 mm in any one dimension.

The product may or may not contain binders.

The heat treatment to which the product has been subjected and the type of cure and packaging shall be sufficient to ensure that the product presents no public health hazard and remains wholesome under the conditions of storage, transport and sale as indicated in paragraph 6.4 and 6.5.

3. Essential Composition and Quality Factors.—(1) Essential ingredients.

— Meat or poultry meat or a combination of both

— Water

— Curing ingredients consisting of food—grade salt (sodium chloride) and potassium or sodium nitrite.

(2) Optional Ingredients

— Edible offal, fat per se, cured and uncured pork rind per se, poultry meat;

— Carbohydrate and protein binders such as :

— meal, flour or starch prepared from grain, potato or sweet potatoes;

— bread, biscuit or bakery products;

— milk powder, skimmed milk powder caseinate, whey powder egg protein, dried blood products, vegetable protein products;

— Sucrose, invert sugar, dextrose (glucose), lactose, maltose, glucose syrup (including corn syrup).

— Hydrolyzed protein :—

(3) Composition :

	Product with binder	product without binder and edible offal (but may include Heart, Tongue or Head Meat from Mammals
—Minimum ingoing meat content	80%	90%
—Maximum fat content	30%	25%

(4) Essential Quality Factors :

(i) Raw material—the ingredients from which the product is prepared shall be of a quality suitable for human consumption and free from objection able odours and flavours.

(ii) Final product.—the product shall be clean and substantially free from staining and contamination from the container. The meat and poultry meat shall be uniformly and thoroughly cured and the product shall be capable of being sliced.

4. FOOD ADDITIVES

(1) Preservatives	Maximum Ingoing Amount
Nitrite potasrium and/or sodium salts.	200 milligram/klogram total nitrite expressed as sodium nitrite.
	Maximum level calculated on the total net content of the final products.
Nitrite, potassium and/or sodium salts.	125 milligram/kilogram total nitrite expressed as sodium nitrite.
Potassium chloride	Limited by good manufacturing practice.
(2) Antioxidants	Maximum level Calculated on the total net content or the final product.
Ascorbic acid and sodiumsalt	Limited by good.
ISO-Ascorbic acid and sodium ralt	Manufacturing practice.
(3) Flavours : Natural flavouring substances and nature identical flavouring substaneces	Limited by good manufacturing practice.
(4) Flavour Enhancers : 5 Guanylate, disodium 5 Inosinate, disodium	Limited by good manufacturing practice.
(5) Acidity Regulators : Glucono-delta-lactone Sodium citrate	Limited by good manufacturing practice.
(6) Water Retention Agents : Phosphate (Naturally present plus added) Added phosphates (Mono, di and poly), sodium and potassium salts.	8000 milligram/Kilogram (expressed as P_2O_5) 3000 milligram/Kilogram (expressed P_2O_5) singly or in combination.
(7) Colours : Erythrosine (CI 45430) to replace loss of colour (for the product with binder only)	15 Milligram/Kilogram.
5. CONTAMINANTS Lead (Pb) Tin (Sn) Tin (Sn): for products in tin plate container	Maximum Level. 0.5 milligram/kilogram 200 milligram/kilogram
Tin (Sn) for iproducts in other containers	50 milligram/kllogram

6. Hygiene.—(1) The sanitary and other hygiene requirements to be complied with are as given under raw meat (chilled or frozen) (quality control and inspection) Rules, 1992.

(2) No meat including poultry meat and their products shall be accepted by an establishment unless the meat or meat products have been derived from animals subjected to ante-mortem and post-portem inspection. They shall not be accepted unless they are properly branded or marked and in all ways suitable for human consumption and that they have not, subsequent to being examined by an inspector, been exposed to contamination, or processed or handled or subjected to the addition of any harmful substance which renders them unfit for human consumption.

(3) Meat including poultry meat and their products shall be handled, stored or transported in an establishment in a manner that will protect the meat and meat products from contamination and deterioration.

(4) Products that are heat treated after packaging shall be packaged in hermatically sealed containers which do not present any health hazard or permit contamination under the conditions of handling, storage, transport and sale indicate on the lable. The containers shall be clean and show the characteristics or sound containers and, where applicable to the type of container, shall show evidence of vacuum.

(5) Products that are heat treated before packaging shall be packaged in such a way that contamination is kept to to a minimum so that the product will withstand spoilage and present no public health hazard under the conditions of handling, storage, transport and sale indicated on the lable. The ontainers shall not present any health hazard or permit contamination under normal conditions of handling, they shall be clean where applicable show evidence of vacuum.

(6) When processed containers are cooled in water the water shall be of potable quality or suitably treated so as not to constitute a public health hazard.

(7) The final product shall be handled and stored in such a manner as to avoid contamination of the product.

7. Labelling.—(1) The name of the food.—The name of the food to be declared on the label shall be 'chopped meat' except that the word 'Meat' may be replaced by a word describing the kind of meat used, or more than one kind of meat has been used by the names in descending order of proportion, e.g. 'chopped pork', chopped pork and beef.

A declaration of the presence of binders and of edible offal and a declaration indicating the species of animals from which the meat, poultry meat or a combination of these are derived shall be given in connection with the name of the product if their omission would mislead the consumer.

(2) List of ingredients :

The list of ingredients shall indicate the species of animals from which the meat, poultry meat or a combination of these are derived.

(3) Date marking and storage instructions :

For shelf-stable products the date of minimum durability shall be declared by the year. For products which are not shelf-stable that is which may be expected not to keep for at least 18 months in normal conditions of storage and sale, and which are packaged in a container ready for offer to the consumer or for catering purposes, the date of minimum durability shall be declared by day, month and year. For products which are not shelf-stable and which are packaged in containers not sold directly to the consumer or for catering purposes, adequate storage and distribution instructions shall be declared.

(4) Labelling of on-retail containers :

Information as appropriate needed for labelling of retail containers is given either on the non-retail continers or in accompanying documents except that the name of the food, date marking and storage instructions, lot identification and the name and address of the manufacturer or packers or packer shall appear on the non-retail container. However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such mark is clearly identifiable with the accompanying documents.

(5) Net Contents.—The net contents shall be delcared by weight in either the metric system ('system international) units or avoirdupois or both systems of measurement as required by the country in which the product is sold.

(6) Name and Address.—The name and address of the manufacturer|packer shall be declared provided that it may be replaced by an identification mark where such an identification mark has been issued by the country of origin.

(7) Country of Origin.—The country of origin of the product shall be declared in clear terms. The country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

[F. No. 6/3/92-EI&EP]
KUM. SUMA SUBBANNA, Director

कोयला मंत्रालय

नई दिल्ली, 22 अगस्त, 1994

का.आ. 2453 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में कोयला मंत्रालय के प्रशासनिक नियंत्रणाधीन, सेंट्रल कोलफील्डस लि. के निम्नलिखित कार्यालयों को, जिसके 80% कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, नार्थ-कर्णपुरा, क्षेत्र, डकरा ।
2. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, बोकारो एंड कारगली ।
3. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, कुजू
4. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, बरकाकाना
5. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, सयाल
6. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, कथारा
7. सेंट्रल कोलफील्डस लि., महाप्रबंधक कार्यालय, राजप्पा

[फा.सं. ई-11016/1/94-हिंदी]
कमल कान्त मिश्र, संयुक्त सचिव

MINISTRY OF COAL

New Delhi, the 22nd August, 1994

S.O. 2453.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union), Rules, 1976 the Central Government hereby notifies, the following Offices of Central Coalfields Limited and company under the Administrative control of Ministry of Coal, the 80 per cent staff whereof have acquired working knowledge of Hindi.

1. Central Coalfields Limited, Office of General Manager, North Karanpura Area (Dakra).
2. Central Coalfields Limited, Office of General Manager, Bokaro and Kargali.
3. Central Coalfields Limited, Office of General Manager, (Kuju).
4. Central Coalfields Limited, Office of General Manager, Barakana.
5. Central Coalfields Limited, Rajmahal Office of General Manager, Sayal.
6. Central Coalfields Limited, Office of General Manager, Rajrappa.
7. Central Coalfields Limited, Office of General Manager, Kathara.

[No. E-11016/1/94-HINDI]
K. K. MISHRA, Jt. Secy.

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2454:—केंद्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब केंद्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र की रेखांक सं० सी-1 (ई.) 3/एफ.एफ.आर. 542—0893, तारीख 12 अक्तूबर, 1993 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोल इस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र), के कार्यालय में या कलक्टर बैतूल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों, को, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, कोल इस्टेट, सिविल लाइन्स, नागपुर 440007 (महाराष्ट्र) को भेजेंगे।

अनुसूची

गुरगुन्दा खंड

पाथाखेरा-क्षेत्र

जिला बैतुल (मध्य प्रदेश)

क्रम सं.	ग्राम का नाम	पटवारी सर्किल नं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	गुरगुन्दा	15	शाहपुर	बैतुल	444.500	भाग
2.	गोवाडी	14	शाहपुर	बैतुल	191.700	भाग
3.	छिमड़ी रेय्यत	14	नापेपुर	बैतुल	407.100	भाग
4.	घपाड़ा	14	शाहपुर	बैतुल	79.100	भाग
5.	घपाड़ा बीट (मध्य प्रदेश वन विकास निगम)	14	शाहपुर	बैतुल	190.900	भाग
6.	खापा बीट (मध्य प्रदेश वन विकास निगम)	37	बैतुल	बैतुल	90.000	भाग
7.	खापा	37	बैतुल	बैतुल	19.300	भाग
8.	कुसमरी	16	बैतुल	बैतुल	77.400	भाग
				योग	1500.000 हेक्टेयर (लगभग)	
				या	3706.500 एकड़ (लगभग)	

सीमा वर्णन :

क-ख : रेखा बिन्दु "क" से आरंभ होती है और तवा नदी को पार करते हुए ग्राम कुसमरी से होकर जाती है, उसके बाद ग्राम खापा बीट (मध्य प्रदेश वन विकास निगम द्वारा धारित भूमि), खापा, घपाड़ा बीट (मध्य प्रदेश वन विकास निगम द्वारा धारित भूमि) और घपाड़ा से होकर आगे बढ़ती है तथा बिन्दु "ख" पर मिलती है।

ख–ग : रेखा ग्राम घपाड़ा, छिमड़ी, रेय्यत, घपाड़ा बीट (मध्य प्रदेश वन विकास निगम द्वारा धारित भूमि) और गोवाडी से होकर जाती है तथा बिन्दु "ग" पर मिलती है।

ग–घ : रेखा तवा नदी को पार करते हुए ग्राम गोवाडी से होकर जाती है, उसके बाद ग्राम गुरगुन्दा से होकर आगे बढ़ती है और बिन्दु "घ" पर मिलती है।

घ–क : रेखा ग्राम गुरगुन्दा और कुसमरी से होकर जाती है तथा आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/15/94–एल एस डब्ल्यू]

नरेन्द्र भगत, निदेशक

New Delhi, the 26th August, 1994

S.O. 2454.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1057) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan bearing No. C-I(E)/III/FFR/542—0893 dated the 12th October, 1993 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), coal Estate, Civil Lines, Nagpur-440001 (Maharashtra), or in the office of the Collector, Betul (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this Notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act, to the officer incharge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of the publication of this notification.

SCHEDULE

GURGUNDA BLOCK
PATHAKHERA AREA
DISTRICT BETUL
(Madhya Pradesh)

Sl. No.	Name of the village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Gurgunda	15	Shahpur	Betul	444.500	Part
2.	Gowadi	14	Shahpur	Betul	191.700	Part
3.	Chhimri Raiyat	14	Shahpur	Betul	407.100	Part
4.	Dhapara	14	Shahpur	Betul	79.100	Part
5.	Dhapara Beet (Madhya Pradesh Van Vikas Nigam)	14	Shahpur	Betul	190.900	Part
6.	Khapa Beet (Madhya Pradesh Van Vikas Nigam)	37	Betul	Betul	90.000	Part
7.	Khapa	37	Betul	Betul	19.300	Part
8.	Kusmari	16	Betul	Betul	77.400	Part
				Total =	1500.000 (approximately) or 3706.500 (approximately)	hectares acres

Boundary description :

A—B : Line starts from point 'A' and passes through village Kusmari, crosses Tawa river, then proceeds through villages Khapa Beet (land held by Madhya Pradesh Van Vikas Nigam), Khapa, Dhapara Beet (land held by Madhya Pradesh Van Vikas Nigam) and Dhapara and meets at point 'B'.

B—C : Line passes through villages Dhapara, Chhimri Raiyat, Dhapar Beet (land held by Madhya Pradesh Van Vikas Nagam) and Gowadi and meets at point 'C'.

C—D : Line passes through village Gowadi, crosses Tawa river, then proceeds through village Gurgunda and meets at point 'D'.

D—A : Line passes thorugh village Gurgunda and Kusmari and meets at starting point 'A'.

[No. 43015/15/94-LSW]
N. BHAGAT, Director

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2455 :—केंद्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, अब, केंद्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र रेखांक सं. बी.सी.सी.एल/ई.डी./43–82, तारीख 17 जुलाई, 1982 का निरीक्षण उपायुक्त, धनबाद (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या निदेशक (तकनीकी), भारत कोकिंग कोल लिमिटेड, कोयला भवन, कोयला नगर, धनबाद (बिहार) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्रों में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), भारत कोकिंग कोल लिमिटेड, कोयला भवन, कोयला नगर, धनबाद (बिहार) को भेजेंगे।

अनुसूची

पर्बतपुर खंड

(झरिया कोयला क्षेत्र)

रेखांक सं. बी.सी.सी.एल./ईडी/43–82, तारीख 17 जुलाई, 1982

क्रम सं.	ग्राम	थाना सं.	थाना	जिला	क्षेत्र हेक्टयर में	टिप्पणियां
1.	भवरदाहा	355	तोपचांची	धनबाद	41.30	भाग
2.	टिटंगाबाद	90	झरिया	धनबाद	112.35	भाग
3.	मझिलाडीह	91	झरिया	धनबाद	18.50	भाग
4.	बरडुभी	92	झरिया	धनबाद	41.35	भाग
5.	जटटूडीह	104	झरिया	धनबाद	35.50	भाग
6.	गनशाडीह	105	झरिया	धनबाद	10.10	भाग
7.	जरमा	106	झरिया	धनबाद	28.12	भाग
8.	पेटिया	107	झरिया	धनबाद	38.60	भाग
9.	डुंगरी	111	झरिया	धनबाद	99.20	भाग
10.	गोपीडीह	75	चास	धनबाद	73.79	संपूर्ण
11.	तुषारी	76	चास	धनबाद	88.00	भाग
12.	कुरारया	203	चास	धनबाद	35.20	भाग
13.	पर्बतपुर	204	चास	धनबाद	748.60	भाग
14.	बतबिनोर	205	चास	धनबाद	541.00	भाग
15.	मचतान	207	चास	धनबाद	247.00	भाग
16.	दिधर्वा	208	चास	धनबाद	435.00	संपूर्ण
17.	नयावन या पावरातान	209	चास	धनबाद	494.82	संपूर्ण
18.	तलगोरिया	210	चास	धनबाद	416.17	संपूर्ण
19.	शिलफोर	211	चास	धनबाद	969.16	संपूर्ण
20.	फतेहपुर	212	चास	धनबाद	297.40	भाग
21.	बिराजडीह	217	चास	धनबाद	27.00	भाग
22.	नयाडीह	218	चास	धनबाद	21.50	भाग
23.	देवग्राम	220	चास	धनबाद	76.90	भाग
24.	उपरबंधा	221	चास	धनबाद	11.00	भाग

कुल क्षेत्र 4880.60 एकड़ (लगभग)
या 1992.10 हेक्टयर (लगभग)

सीमावर्णन : —

क—ख—ग—घ—ङ. रेखा बिन्दु "क" से प्रारंभ होती है और दामोदर नदी के बाएं किनारे के भाग के साथ-साथ ग्राम भवरदाहा, टिटंगाबाद, मझिलाडीह, बरडुंभी, जाटटुडीह, मनशाडीह, जरमा, पेटिया और डुंगरी से होकर जाती है तथा बिन्दु "ङ" पर मिलती है ।

ङ—च—छ रेखा ग्राम डुंगरी, फतेहपुर, बिरजाडीह, नवाडीह, देवग्राम, पर्बतपुर और ऊपरबंधा में दामोदर नदी से होकर जाती है तथा बिन्दु "छ" पर मिलती है ।

छ—ज रेखा ग्राम ऊपरबंधा, कुरचिया, बतबिनोर और तुघारी से होकर जाती है और बिन्दु "ज" पर मिलती है ।

ज—झ रेखा ग्राम तुघारी से होकर जाती है और बिन्दु "झ" पर मिलती है ।

झ—ञ रेखा ग्राम गोपीडीह, अलुआरा, बतबिनोर और अलुआरा की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ञ" पर मिलती है ।

ञ—ट रेखा ग्राम बतबिनोर और अलुआरा की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ट" पर मिलती है ।

ट—ठ रेखा ग्राम बतबिनोर दिर्बदा और अलुआरा की सीमाओं के साथ-साथ जाती है और बिन्दु "ठ" पर मिलती है ।

ठ—ड रेखा ग्राम मचतान और अलुआरा की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ड" पर मिलती है ।

ड—क रेखा ग्राम मचतान और भवरदाहा से होकर जाती है और बिन्दु "क" पर मिलती है ।

[सं. 43015/6/94—एलएसडब्ल्यू]

नरेन्द्र भगत, निदेशक

New Delhi, the 26th August, 1994

S.O. 2455.—Whereas it appears to the Central Government that coal is likely to be obatined from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. BCCL/ED/43-82 datedthe 17th July, 1982 of the area covered by this notification an be inspected in the office of the Deputy Commissioner, Dhanbad (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Director (Technical), Bharat Coking Coal Limited, Koyla Bhawan, Koyla Nagar, Dhanbad (Bihar),

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Bharat Coking Coal Limited, Koyla Bhawan, Koyla Nagar, Dhanbad (Bihar) within ninety days from the date of the publication of this notification in the Officeal Gazette.

SCHEDULE

PARBATPUR BLOCK

(JHARIA COALFIELD)

Plan No. BCCL/ED/43-82 dated the 17th July, 1982

Sl. No.	Village	Thana number	Thana	District	Area in acres	Remarks
1	2	3	4	5	6	7
1.	Bhawardaha	355	Topchanchi	Dhanbad	41.30	Part
2.	Tetangabad	90	Jharia	Dhanbad	112.35	Part
3.	Majhiladih	91	Jharia	Dhanbad	18.50	Part
4.	Bardubhi	92	Jharia	Dhanbad	41.45	Part

1	2	3	4	5	6	7
5.	Jattudih	104	Jharia	Dhanbad	35.50	Part
6.	Gansadih	105	Jharia	Dhanbad	10.10	Part
7.	Jarma	106	Jharia	Dhanbad	28.12	Part
8.	Petia	107	Jharia	Dhanbad	38.60	Part
9.	Dungri	111	Jharia	Dhanbad	99.20	Part
10.	Gopidih	75	Chas	Dhanbad	73.79	Part
11.	Tughari	76	Chas	Dhanbad	88.00	Part
12.	Kurarya	203	Chas	Dhanbad	35.20	Part
13.	Parbatpur	204	Chas	Dhanbad	748.60	Part
14.	Batbinor	205	Chas	Dhanbad	514.00	Part
15.	Machatanr	207	Chas	Dhanbad	247.00	Part
16.	Dibarda	208	Chas	Dhanbad	435.00	Pull
17.	Nayaban or Pabratanr	209	Chas	Dhanbad	404 82	Full
18.	Talgoria	210	Chas	Dhanbad	416 17	Full
19.	Shilphore	211	Chas	Dhanbad	969.16	Full
20.	Fatehpur	212	Chas	Dhanbad	297.40	Part
21.	Birajdih	217	Chas	Dhnabad	27.00	Part
22.	Nawadih	218	Chas	Dhanbad	21.50	Part
23.	Debagram	220	Chas	Dhanbad	76.90	Part
24.	Uparbandha	221	Chas	Dhanbad	11.90	Part

Total area : 4880.66 acres (approximately) or 1992.10 hectares (approximately)

Boundary description :

A—B—C—Line starts from point 'A' and passes through the villages Bhawardaha, Tetangabad, Majhiladih, Baidybhi,

D—E Jattudih, Ganshadih, Jarma, Petia and Dungri along the part left bank of River Damodar and meets at point 'E'.

E—F—G—Line passes through Damodar River in villages Dungri, Fatehpur, Birajdih, Nawadih, Debgram, Parbatpur and Uparbandha and meets at point 'G'.

G—H Line passes through the villages Uparbandha, Kararia, Batbinor and Taghari and meets at point 'H'.

H—I Line passes through the village Tughari and meets at point 'I'.

I—J Line passes along the common boundary of villages Gopidih, Batbinor and Aluara and meets at point 'J'.

J—K Line passes along the common boundary of villages Batbinor and Aluara and meets at point 'K'.

K—L Line passes along the boundary of villages Batbinor, Dibarda and Aluara and meets at point 'L'.

L—M Line passes along the common boundary of villages Machatanr and Aluria and meets at point 'M'.

M—A Line passes through the villages Machatanr and Bhawardaha and meets at point 'A'.

[No. 43015/6/94-LSW]

N. BHAGAT, Director

शुद्धि पत्र

नई दिल्ली, 30 अगस्त, 1994

का.आ. 2456 :—भारत के राजपत्र, तारीख 23 अप्रैल, 1994 के भाग-II, खण्ड-3, उपखण्ड (ii) में पृष्ठ क्रमांक 1219 से 1220 पर प्रकाशित भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ. 954, तारीख 21 मार्च, 1994 में : पृष्ठ 1219 अधिसूचना में,

पंक्ति 2—"अधिप्राप्त" के स्थान पर "अभिप्राप्त" पढ़ें ।

पृष्ठ 1220 अनुसूची में,

"कुसमकेला ब्लाक (भाग)" के स्थान पर "कुरूमकेला ब्लाक (भाग-1)" पढ़ें ।

"मंड-रायगढ़" के स्थान पर "मांद रायगढ़" पढ़ें ।

तालिका में ग्राम स्तम्भ के नीचे,

क्रम संख्या 3—"कुरमी भोना" के स्थान पर "कुरमीभौना" पढ़ें ।

क्रम संख्या 8 "रमकेर" के स्थान पर "रूमकेर" पढ़ें ।

क्रम संख्या 9 "धोराम" के स्थान पर "दोरम" पढ़ें ।

क्रम संख्या 12 "बाराद" के स्थान पर "बारोद" पढ़ें ।

तालिका में क्षेत्र हेक्टर में स्तम्भ के नीचे

क्रम संख्या 102"452.90" के स्थान पर "452.910" पढ़ें ।

"14860.53 एकड़" के स्थान पर "14880.43 एकड़" पढ़ें ।

सीमा वर्णन में, रेखा क—क-1—ख,

पंक्ति 2, 3—"उत्तरी सीमा के सीमा के साथ-साथ" के स्थान पर "उत्तरी सीमा के साथ-साथ" पढ़ें ।

पंक्ति 2—"ग्राम पारदी, कुरमी, मोबाना कटाझरिया" के स्थान पर "ग्राम पोरडी, कुरमीभौना, कटाझरिया" पढ़ें ।

रेखा ख—ग,

पंक्ति 1—"धोरोम के स्थान पर "दोरम" पढ़ें ।

"धुराम" के स्थान पर "दोरम" पढ़ें ।

रेखा ग—घ

पंक्ति 1—""धोराम" के स्थान पर "दोरम" पढ़ें ।

"सुमेर पत्रपालि फागुराम" के स्थान पर "रूमकेर पत्रापालि फगुराम" पढ़ें ।

रेखा घ—क

पंक्ति 1—"फागुनाम" के स्थान पर "फगुराम" पढ़ें ।

[फा.सं. 43015/5/92—एलाएसडब्ल्यू]

नरेन्द्र भगत, निदेशक

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2457 :—पेट्रोलियम और खनिज पाइप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 26 तारीख 1-1-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाईन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था ।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है ।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, राजामुंद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा ।

अनुसूची सेक्शन 6(1) अधिसूचना

गैस पाइप लाइन प्रोजेक्ट

पेनुमदम––कविटाम ब्रांच––गैस लाइन

जनपद	तहसील	ग्राम	सर्वे नं. (हेक्टे/एकड़ में)	क्षेत्रफल
पश्चिम गोदावरी	आचंट	वेमवरम	94/आईडी भाग	0-06-00
			94/आई सी	0-15-50
			94/3 „	0-00-50
			93 „	0-01-00
			72/2 „	0-01-00
			71/आईए „	0-09-50
			71/आईबी „	0-06-50
			70/1 „	0-07-00
			70/4 „	0-08-53
			69 „	0-00-50
			54/1 „	0-00-50
			68/2 „	0-11-50
			55/1 „	0-11 50
			58/5 „	0-14-50
			58/6 „	0-14-50
			59/2 ए „	0-06-50
			59/2 बी „	0-06-00
			59/3 „	0-04-00
			59/5 „	0-00-50
			59/7 „	0-14-00
			59/8 „	0-00-50
			63/1 „	0-15-00
			62 „	0-02-00
			कुल हेक्टे.	1-50-50
			या एकर	3.87 सेन्टी

[सं. एल. 1401616/93-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 6th September, 1994

S.O. 2457.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 26 dated 1-1-94 under sub-section (I) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas The Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 6 of the said Act, the Central Government hereby declare the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from all encumbrances.

SCHEDULE FOR SECTION 6(i) NOTIFICATION

GAS PIPE LINE PROJECT

PENUMADAM : KAVITAM : BRANCH GAS PIPE LINE

District	Mandal	Village	Survey Nos.	Area (In Hect./Acres)			Remarks
1	2	3	4		5		6
West Godavari	Achanta	Vemavaram	94/1D Part	0	06	00	
			94/1C Part	0	15	50	
			94/3 Part	0	00	50	
			93/Part	0	01	00	
			72/2 Part	0	01	00	G.P.
			71/1A Part	0	09	50	

1	2	3	4	5	6		
			71/1B Part	0	06	50	
			70/1 Part	0	07	00	
			70/4 Part	0	08	00	
			69/ Part	0	00	50	G.P.
			54/1 Part	0	00	50	
			68/2 Part	0	11	50	
			55/1 Part	0	11	50	
			58/5 Part	0	14	00	
			58/6 Part	0	14	50	
			59/2A Part	0	06	50	
			59/2B Part	0	06	00	
			59/3 Part	0	04	00	
			59/5 Part	0	00	50	
			59/7 Part	0	14	00	
			59/8 Part	0	00	50	
			63/1 Part	0	15	50	
			62/Part	0	02	00	G.P.
			Total :	1	56	50	Hectares
				AC	or 3	87	Cents.

[No. L-14016/16/93 G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2458.—पेट्रोलियम और खनिज पाइप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 27 तारीख 1-1-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकारी को पाईप लाईन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, राजामुन्द्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

गैस पाइप लाइन पेनुमदमकुआ नरसापुर—कोथुरू कविटम स्थित स्टेशन तक

अनुसूची

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टेयर एकड़ में)
			509	0-00-5
			——भाग	
			507	0-11-5
			——भाग	
			1	
पश्चिम गोदावरी	पोडुरु	कविटाम	507	0-00-5
			——भाग	
			1	
			508	0-01-0
			——भाग	
			402	0-01-5
			——भाग	
			403	0-00-5
			——भाग	
			2	
			403	0-07-0
			——भाग	
			3	
			कुल हेक्टे.	0-22-5

[सं. एल. 14016/16/93 जी. पी.)]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2458.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 27 dated 1-1-94 under sub-section (I) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas The Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 6 of the said Act, the Central Government hereby declare the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from all encumbrances.

Branch-Gas Pipe Line—From Penamadam to Kavitam

SCHEDULE FOR SECTION -6 (i) NOTIFICATION
GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (In Hect./Acres)	Remarks
1	2	3	4	5	6
West Godavari	Poduru	Kavitam	509 Part	0 00 05	G.P.
			507 1 Part	0 11 5	
			507 1 Part	0 00 5	
			508 Part	0 01 0	
			402 Part	0 01 5	G.P.
			403 2 Part	0 00 5	
			403 3 part	0 07 0	
			Total :	0 22 5 or 0 56	Hectares Cent.

[No. L—14016/16/93-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2459.—पेट्रोलियम और खनिज पाईप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 25 तारीख 1-1-94 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को अधिकार को पाईप लाईन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

और : सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा(1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, राजामुंद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

गैस पाइप लाइन पनुमदम कुआ संख्या 6(1) से नरसपुरम—कोव्वूर लाइन के कविटम सियतवाला स्टेशन तक

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल विवरण (हेक्टे/एकड़ में)
1	2	3	4	5 6
पश्चिम गोदावरी	पोडुरु	पोडुरु..	722-भाग	0-05-5
			723-,,	0-10-0
			721-2,,	0-20-5 जि.पि.
			708-3 ,,	0-00-5
			708-4 ,,	0-05-0
			716-1 ,,	0-13-0
			710-1 ,,	0-07-5
			709-2 ,,	0-06-5
			538- ,,	0-09-5
			544- ,,	0-13-0
			543-2 ,,	0-03-5
			543-1 ,,	0-05-5
			550- ,,	0-16-5
			556- ,,	0-12-0
			571- ,,	0-07-0
			570- ,,	0-11-0
			569-2 ,,	0-07-0
			569-3 भाग	0-01-0
			584-1 ,,	0-06-5
			585-2 ,,	0-04-5
			585-4 ,,	0-05-5
			585-5 ,,	0-03-0
			585-8 ,,	0-03-0
			586-1 ,,	0-09-0
			582- ,,	0-07-5
			602-1 ,,	0-00-5 जि.पि.
			602-2 ,,	0-09-0
			602-3 ,,	0-07-5
			602-9 ,,	0-00-5
पश्चिम गोदावरी	पोडुरु	पोडुरु	336-1 ,,	0-05-0
			336-2 ,,	0-06-5
			337-2 ,,	0-08-0
			344 ,,	0-07-5
			343- ,,	0-01-0 जि.पि.
			342-4 ,,	0-04-5
			342-5 भाग	0-07-0
			340- ,,	0-02-5
			338- ,,	0-00-5
			72- ,,	0-10-5
			71-1 ,,	0-06-0
			71-2 ,,	0-05-0
			71-3 ,	0-03-0
			75-1 ,,	0-07-5
			78- ,	0-01-5
			69-4 ,,	0-02-5
			69-5 ,,	0-03-0
			69-6 ,,	0-08-5
			79-4 ,,	0-03-5
			79-5 ,,	0-02-5
			79-6 ,,	0-05-0
			79-7 ,,	0-00-5
			81-1 भाग	0-00-0
			63-1 ,,	0-06-5
			63-2 ,,	0-06-5
			62-1 ,,	0-07-5
			61-2 ,,	0-07-5
			85-1 ,,	0-00-5
			86-2 ,,	0-08-5
			88- ,,	0-03-0
			87- ,,	0-02-0 जि.पि.
			49-1 ए,,	0-01-0
			48-1 ,,	0-00-5
			48-2 ,,	0-01-5
			48-3 ,,	0-02-0
			48-4 ,,	0-02-5
			48-5 ,,	0-01-0
			48-8 ,,	0-07-5
			47-1 ,,	0-01-0
			46- भाग	0-15-5
			45-1 ,,	0-02-5
			25-1 ,,	0-03-0
			26-1 ,,	0-05-5
			26-2 ,,	0-07-5
			14-1 ,,	0-06-5

1	2	3	4	5
पश्चिम गोदावरी	पोडूरु	पोडूरु	33- ,,	0-08-0
			32-2 ,,	0-10-5
			31- ,,	0-01-0
			कुल हेक्टे	0-60-0
			I Page Total	
			II Page Total	
			III Page Total	

1	2	3	4	5
			पूरा हेक्टेयर	4-37-0
			एकड़	10-80
			सेंटस :	

(सं. नं.एल-14016/16/93जीपी

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O.2459 :—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 25 dated 1-1-1994 under sub-section (I) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (I) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefor-, in exercise of the powers conferred by sub-section (i) of the Section 6 of the said Act, the Central Government hereby declare the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from all encumbrances.

[No. L—14016/16/93 G.P.]

ARDHENDU SEN, Director

SCHEDULE

GAS PIPE LINE PROJECT
FOR SECTION 6-I NOTIFICATION

Penumadam - Kavilam Branch

District	Mandal	Village	Survey Nos.	Area (In Hect, Acres)			Remarks
1	2	3	4	5			6
West Godavari	Poduru	Poduru	722/Part	0	05	50	G.P.
			723/ ,,	0	10	00	
			721/2 ,,	0	20	50	
			708/3 ,,	0	00	50	
			708/4 ,,	0	05	00	
			716/1 ,,	0	13	00	
			710/1 ,,	0	07	50	
			709/2 ,,	0	06	50	
			538/ ,,	0	09	50	
			544/ ,,	0	13	00	
			543/2 ,,	0	03	50	
			543/1 ,,	0	05	50	
			550/ ,,	0	16	50	
			556/ ,,	0	12	00	

1	2	3	4	5	6
West Godavari	Poduru	Poduru	571/ Part	0 07 00	
			570/ ,,	0 11 00	
			569/2 ,,	0 07 00	
			569/3 Part	0 01 00	G.P.
			584/1 Part	0 06 50	
			585/2 ,,	0 04 50	
			585/4 ,,	0 05 50	
			585/5 ,,	0 03 00	
			585/8 ,,	0 03 00	
			586/1 ,,	0 09 00	
			582/Part	0 07 50	
			602/1 ,,	0 00 50	G.P.
			602/2 ,,	0 09 00	
			602/3 ,,	0 07 50	
			602/9 ,,	0 00 50	
			336/1 ,,	0 05 00	
			336/2 ,,	0 06 50	
			337/2 ,,	0 08 00	
			340/ ,,	0 07 50	
			343/ ,,	0 01 00	G.P.
			342/4 ,,	0 04 50	
			342/5 Part	0 07 00	
			340/ ,,	0 02 50	G.P.
			338/ ,,	0 00 50	G.P.
			72/ ,,	0 10 50	
			71/1 ,,	0 06 00	
			71/2 ,,	0 05 00	
			77/3 ,,	0 03 00	
			75/1 ,,	0 07 50	
			78/ ,,	01 01 50	
			69/4 ,,	0 02 50	
			69/5 ,,	0 03 00	
			69/6 ,,	0 08 50	
			79/4 ,,	0 03 00	
			79/5 ,,	0 02 50	
			79/6 ,,	0 05 50	
			79/7 ,,	0 00 50	
			82/1 Part	0 05 50	
			63/1 ,,	0 06 50	
			63/2 ,,	0 06 50	
			62/1 ,,	0 07 50	
			61/2 ,,	0 07 50	
			85/1 ,,	0 00 50	
			86/2 ,,	0 08 50	
			88/ ,,	0 03 00	
			87/ ,,	0 02 00	G.P.
			49/1A ,,	0 01 00	
			48/1 ,,	0 00 50	

1	2	3	4	5	6
West Godavari	Poduru	Poduru	48/2 Part	0 01 50	
			48/3 ,,	0 02 00	
			48/4 ,,	0 02 50	
			48/5 ,,	0 01 00	
			48/8 ,,	0 07 50	
			47/1 ,,	0 01 00	
			46/1 Part	0 15 50	
			45/1 Part	0 02 50	
			25 1 ,,	0 03 00	
			26/1 Part	0 05 50	
			26/2 Part	0 07 50	
			34/1 Part	0 06 50	
			33/ Part	0 08 00	
			32/2 Part	0 10 50	
			31/ Part	0 01 00	
		Grand	Total	4 37 00 or	Hectares
				AC 10 80	Cents.

[No. L-14016/16/93—G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ.....2460..यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एच. बी. जे अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : पीपला तहसील : भरतपुर जिला भरतपुर

नाम ग्राम	खसरा सं.	क्षेत्रफल हेक्ट०	एयर	वर्ग मी०
1	2	3	4	5
पीपला	628		3	60
	629		21	90
	630		1	50
	631		19	20
	632		1	80
	636		0	30
	637		8	70
	638		20	70
	639		0	90
	1432		0	60
	1527		4	80
	1528		18	90
	1529		25	20

1	2	3	4	5	6
पीपला		1530		22	20
		1534		3	60
योग		15	1	53	90

[सं. एल 14016/6/94-जी पी. I]

अर्धेन्दु सेन, निदेशक

New Delhi the 6th September, 1994

S.O.2460:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt). to Gadepan (Kota Distt). Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And Whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of user in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PROJECT

Village : Pipla Tehsil : Bharatpua Distt. : Bharatpur

Name of village	Khasara No.	Hec.	Area Ayar	Sq. Mtr.	Remarks
1	2	3	4	5	6
Pipla	628		3	60	
	629		21	90	
	630		1	50	
	631		19	20	
	632		1	80	
	636		0	30	
	637		8	70	
	638		20	70	
	639		0	90	
	1432		0	60	
	1527		4	80	
	1528		18	90	
	1529		25	20	
	1530		22	20	
	1534		3	60	
TOTAL	15	1	53	90	

[No. L—14016/6/94—G.P.]

Ardhendu Sen, Director

नई दिल्ली, 6 सितम्बर, 1994

का. आ. 2461.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्द्वारा पादबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेसली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : जटोली रथमान तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल		विवरण
		हैक्टर	एयर	वर्ग मी.
1	2	3	4	5	6
जटोली रथमान	203			2	10
	204			10	50
	205			3	30
	206			14	40
	207			3	00
	209			0	60
	300			2	70
	301			3	90
	302			0	60
	305			2	40
	311			1	20
	318			5	40
	319			11	70
	320			15	60
	592			12	00
	593			0	60
	594			22	80
	595			7	20
	601			2	10
	602			10	50
	603			10	50
	614			0	60
	615			11	10
	616			10	50

1	2	3	4	5	6
	617			12	00
	618			2	40
	666			5	10
	867			22	80
	868			3	90
	871			12	60
	872			9	00
	873			7	20
	875			1	20
	877			1	10
	950			8	30
	951			7	20
	952			19	20
	953			1	50
	956			21	00
	1068			2	40
	1069			7	20
	1070			6	60
	1071			0	30
	1072			4	20
	1073			6	90
	1074			8	10
	1075			3	60
	2239			3	60
	2241			5	10
	2243			11	40
	2244			10	80
	2271			1	20
	2338			1	50
	2339			12	60
	2341			8	10
	2342			12	60
	2343			12	90
	2357			4	99
	2362			22	50
	2363			7	80
	2368			6	90
	2369			7	20
	2370			10	50
	2371			1	50
	2372			12	60
	2373			9	60
	2377			3	90
	2575			5	70
	2587			7	20
	2588			29	12
	2589			6	60
	2591			2	10
	2592			9	00
	2594			0	30
	2596			5	10
	2597			12	00
	2598			5	10
	2599			15	60
	2628			3	30
	2629			11	10
	2630			1	20
	2642			14	40
	2643			12	30
	2644			1	50
	2647			4	80
	2648			13	50
	2649			4	80
	2656			11	10
	2659			2	70
	2660			15	90
	2661			3	60
	2668			2	40
	2669			8	40
	2670			0	50
	2684			12	60
	2685			3	30
	2686			0	30
	2687			14	40
	2688			13	80
	2689			01	20
	2690			0	90
	2717			0	30
	2721			13	80
	2722			5	10
	2723			0	30
	2724			6	00
	2725			8	98
	2726			1	20
	2728			7	50
	2729			13	80
	2730			0	60
	2731			12	90
	2732			8	66
	2733			6	90
	2245/2873			8	40
	2641/2914			2	40
	1075/2927			13	30
	863/2933			0	60
	कुल	118		8 73	11

[सं. एल-14016/6/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2461 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Borcri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.,

And Whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed thereto;

Now, Therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that, any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land of the Competent Authority, Gas Authority of India Ltd., Boreri–Gadepan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE PROJECT

Village : Jatoli Rathaman Teh. : Bharatpur Distt. : Bharatpur

Village Name	Khasara No.	Hec.	Area Ayar	Sq. Mtr.	Remarks
1	2	3	4	5	6
Jatoli Rathaman	203		2	10	
	204		10	50	
	205		3	30	
	206		14	40	
	207		3	00	
	209		0	60	
	300		2	70	
	301		3	90	
	302		0	60	
	305		2	40	
	311		1	20	
	318		5	40	
	319		11	70	
	320		15	60	
	592		12	00	
	593		0	60	
	594		22	80	
	595		7	20	
	601		2	10	
	602		10	50	
	603		10	50	
	614		0	60	
	615		11	10	
	616		10	50	
	617		12	00	
	618		2	40	
	866		5	10	
	867		22	80	
	868		3	90	
	871		12	60	
	872		9	00	
	873		7	20	
	875		1	20	
	877		1	10	
	950		8	36	
	951		7	20	
	952		19	20	
	953		1	50	
	956		21	00	
	1068		2	40	
	1069		7	20	
	1070		6	60	
	1071		0	30	
	1072		4	20	
	1073		6	90	
	1074		8	10	
	1075		3	60	
	2239		3	60	
	2241		5	10	
	2243		11	40	
	2244		10	80	
	2271		1	20	
	2338		1	50	
	2339		12	60	
	2341		08	10	
	2342		12	60	
	2343		12	90	
	2357		4	99	
	2362		22	50	
	2363		7	80	
	2368		6	90	
	2369		7	20	
	2370		10	50	
	2371		1	50	
	2372		12	60	
	2373		9	60	
	2377		3	90	
	2575		5	70	
	2587		7	20	
	2588		29	12	
	2589		6	60	
	2591		2	10	
	2592		9	00	
	2594		0	30	
	2596		5	10	
	2597		12	00	
	2598		5	10	
	2599		15	60	
	2628		3	30	
	2629		11	10	
	2630		1	20	
	2642		14	40	
	2643		12	30	
	2644		1	50	
	2647		4	80	
	2648		13	50	
	2649		4	80	
	2656		11	10	
	2659		2	70	
	2660		15	90	
	2661		3	60	
	2668		2	40	
	2669		8	40	
	2670		0	50	
	2684		12	60	
	2685		3	30	
	2686		0	30	
	2687		14	40	
	2688		13	80	
	2689		1	20	
	2690		0	90	
	2717		0	30	
	2721		13	80	
	2722		5	10	
	2723		0	30	
	2724		6	00	
	2725		8	98	
	2726		1	20	

1	2	3	4	5	6
	2728		7	50	
	2729		13	80	
	2730		0	60	
	2731		12	90	
	2732		8	66	
	2733		6	90	
	2245				
	2873		8	40	
	2641				
	2914		2	40	
	1075				
	2927		13	30	
	863				
	2933		0	60	
TOTAL	118	8	73	11	

[No. L-14016/6/94—G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का. आ. 2462.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेसली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट तथा यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : समाशपुर खुर्द तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल हैक्टर	एयर	वर्ग मी.	वि. विवरण
1	2	3	4	5	6
समाशपुर खुर्द	09		00	60	
	10		00	90	
	11		27	00	
	17		06	00	
	35		01	80	
	36		03	00	
	37		06	90	
	38		03	90	
	39		03	30	
	40		08	70	
	42		03	60	
	43		01	80	
	44		00	30	
	118		00	60	
	121		07	22	
	122		07	50	
	123		09	00	
	124		02	70	
	125		09	30	
	126		02	40	
	127		04	20	
	128		07	20	
	151		08	10	
	152		00	30	
	158		00	50	
	159		18	30	
	160		15	00	
	161		10	80	
	162		01	50	
	163		02	80	
	164		02	10	
	165		23	40	
	कुल	32	2	00	70

[सं. एल-14016/6/94जीपी.]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2462:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt). Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying sueh Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, (i) exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said and may, within 21 days from the date of this notification object to the laying of the peipeliue under the land to the Competent Authority, Gas Authority of India Ltd. Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexee Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PROJECT

Village : Samashpur Khurd Teh.: Bharatpur Distt.: Bharatpur

Name of Village	Khasara No.	Hec.	Area Are	Sq. Mtr.	Remarks
1	2	3	4	5	6
Samashpur Khurd	09		00	60	
	10		00	90	
	11		27	00	
	17		06	00	
	35		01	80	
	36		03	00	
	37		06	90	
	38		03	90	
	39		03	30	
	40		08	70	
	42		03	60	
	43		01	80	
	44		00	30	
	118		00	60	
	121		07	22	
	122		07	50	
	123		09	00	
	124		02	70	
	125		09	30	
	126		02	40	
	127		04	20	
	128		07	20	
	151		08	10	
	152		00	30	
	158		00	50	
	159		18	30	
	160		15	00	
	161		10	80	
	162		01	50	
	163		02	80	
	164		02	10	
	165		23	40	
TOTAL :	32	2	00	70	

[No. L—14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2463.— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गंजेपान (कोटा) तक प्राकृतिक गैस परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और, यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतत्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय, गैस प्राधिकरण लि. आनन्द भवन अनेक्सी, सुभाष रोड, खेसली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट तथा यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

नाम ग्राम : पिड़ीयानी तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल हैक्टर	एयर	वर्गमी.	वि. विवरण
1	2	3	4	5	6
पिड़ीयानी	231		06	90	
	232		13	50	
	233		00	60	
	263		05	10	
	264		11	40	
	265		00	60	
	266		21	30	
	267		00	60	
	268		08	10	
	269		04	80	
	269/1044		06	60	
योग	11	0	79	50	

[सं. एल-14016/6/94-जी.पी.]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2463:—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pepeline under the land to the Competant Authority, Gas Authority of India Ltd., Boreri Gadepan Gas

Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PROJECT

Village : Pidiyani Teh. : Bharatpur Distt. : Bharatpur

Name of Village	Khasara No.	Hec.	Area Are	Sq. Mtr.	Remarks
1	2	3	4	5	6
Pidiyani	231		06	90	
	232		13	50	
	233		00	60	
	263		05	10	
	264		11	40	
	265		00	60	
	266		21	30	
	267		00	60	
	268		08	10	
	269		04	80	
	269/1044		06	60	
TOTAL :	11	0	79	50	

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2464.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और, यतः, प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एतदद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः, अब, पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतदद्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : इकरान तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल हैक्टर	एयर	वर्ग मी.
1	2	3	4	5
इकरान	1110		—	39
	1112		12	90
	1113		10	80
	1114		15	30
	1115		11	10
	कुल	05	—	50	49

[सं. एल-14016/6/94-जी पी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2464:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by Gas Authority of India Ltd.

And, whereas, it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether the wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPLLINE PROJECT

Village : Ikran Tehsil : Bharatpur Distt. : Bharatpur

Name of Village	Khasara No.	Hec.	Area Are	Sq. Mtr.	Remarks
1	2	3	4	5	6
Ikran	1110		—	39	
	1112		12	90	
	1113		10	80	

1	2	3	4	5
	1114		15	30
	1115		11	10
TOTAL :	5	—	50	49

[No-L-14016/6/94 G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2465.—यतः केन्द्रीय सरकार को यह प्रतीत होता कि लोकहित में यह आवश्यक है कि राजस्थान में गदेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्दाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्दारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : बहोरा तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल हैक्टर	एयर	वर्ग मी.
1	2	3	4	5
बहोरा	57		03	00
	333		11	40
	353		03	30
	354		09	20
	355		12	60
	356		15	90
	358		01	80
	359		11	70
	386		03	00
	387		06	00
	388		12	00
	389		02	40
	398		01	31
	399		09	00
	400		18	60
	401		07	80
	402		00	30
	407		01	80
	408		10	20
	409		10	50
	410		10	20
	411		02	70
	459		10	20
	460		00	30
	471		07	20
	472		08	10
	474		00	60
	477		25	20
	478		00	60
	479		08	70
	480		06	30
	555		18	30
	556		02	40
	559		00	39
	560		05	70
	561		09	00
	562		00	90
	565		11	70
	566		09	60
	567		11	10
	569		02	10
	567/1017		00	40
योग	42	03	03	60

[सं. एल-14016/6/94 जी पी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2465:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Goreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PORIECT

Village : Bajhera Teh. : Bharatpur Distt. : Bharatpur

Name of Village	Khasara No.	Hec.	Area Ayar	Sq. Mtr.
1	2	3	4	5
Bajhera	57		03	00
	333		11	40
	353		03	30
	354		09	30
	355		12	60
	356		15	90
	358		01	80
	359		11	70
	386		03	00
	387		06	00
	388		12	00
	389		02	40
	398		01	31
	399		00	00
	400		18	60
	401		07	80
	402		00	30
	407		01	80
	408		10	20
	409		10	50
	410		10	20
	411		02	70
	459		10	20
	460		00	30
	471		07	20
	472		08	10
	474		00	60
	477		25	20
	478		00	60
	479		08	70
	480		06	30
	555		18	30
	556		02	40
	559		00	39
	560		05	70
	561		09	00
	562		00	90
	565		11	70
	566		09	60
	567		11	10
	569		02	10
	567/1017		00	40
TOTAL :		42	03	03	69

[No. L—14016/6/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2466—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : मलोनी तहसील : भरतपुर जिला : भरतपुर

ग्राम का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्गमी.
1	2	3	4	5
मलोनी	01		20	10
	11		01	80
	101		06	00
	102		07	50
	103		16	50
	106		13	50
	119		02	10
	129		08	40
	130		09	30
	131		00	60
	135		00	68
	137		16	50
	138		15	60
	139		04	80
	140		03	60
	141		00	30
	176		09	00
	179		08	10
	180		02	70
	181		01	80
	398		06	90
	399		14	10
	400		00	99
	401		04	80
	403		12	90
	404		04	20
	405		10	50
	409		00	33
	410		01	20
	411		27	90

1	2	3	4	5
मालोनी	416		10	20
	417		18	00
	418		00	30
	443		02	10
	558		06	90
	559		15	90
	560		13	50
	561		06	90
	562		07	20
	563		08	10
	564		00	90
	568		01	80
	569		00	30
	570		02	10
	575		06	90
	578		00	30
	579		03	60
	580		00	90
	581		08	40
	662		00	90
	663		17	10
	665		15	00
	667		00	60
	668		07	50
	671		17	40
	673		04	50
	674		06	00
	718		01	50
	720		00	94
	721		12	60
	725		01	80
	726		06	60
	729		00	30
	730		14	40
	731		03	30
	734		00	44
	762		14	40
	763		01	80
	764		10	20
	765		36	90
	767		15	60
	771		04	20
	773		06	00
	732/850		06	30
जोड़	74	5	53	28

[सं. ए.-14016/6/94 जी.पी.]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2466:—Whereas it appears to the Central Government that it is necessa y in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of user in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Boreri-Gadepan Gas Pipeline Projcet, Anand Bhawan Annexee, Subhash Road Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PROJECT

Village : Maloni Tehsil : Bharatpur Dist.: Bharatpur

Name of Village	Khasara No.	Hec.	Area Ayar	Sq. Mtr.
1	2	3	4	5
Maloni	01		20	10
	11		01	80
	101		06	00
	102		07	50
	103		16	50
	106		13	50
	119		02	10
	129		08	40
	130		09	30
	131		00	60
	135		00	68
	137		16	50
	138		15	60
	139		04	80
	140		03	60
	141		00	30
	176		09	00
	179		08	10
	180		02	70
	181		01	80
	398		06	90
	399		14	10
	400		00	99
	401		04	80
	403		12	90
	404		04	20
	405		10	50
	409		00	33
	410		01	20
	411		27	90
	416		10	20
	417		18	00
	418		00	30
	443		02	10
	558		06	90
	569		15	90
	560		13	50

1	2	3	4	5
	561		06	90
	562		07	20
	563		08	10
	564		00	90
	568		01	80
	569		00	30
	570		02	10
	575		06	90
	578		00	30
	579		03	60
	580		00	90
	581		08	40
	662		00	90
	663		17	10
	665		15	00
	667		00	60
	668		07	50
	671		17	40
	673		04	50
	674		06	00
	718		01	50
	720		00	94
	721		12	60
	725		01	80
	726		06	60
	729		00	30
	730		14	40
	731		03	30
	734		00	44
	762		14	40
	763		01	80
	764		10	20
	765		36	90
	767		15	60
	771		04	20
	773		06	00
	732/850		06	30
TOTAL :	74	5	53	28

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2467.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गंडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पायलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

एच.बी.जे अपग्रेडेशन गैस पाइप लाईन प्रोजेक्ट

ग्राम : बहनेरा तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मी०
1	2	3	4	5
बहनेरा	482		02	70
	483		04	50
	484		12	30
	492		12	30
	493		10	20
	521		18	30
	522		12	30
	523		—	30
	534		06	60
	535		04	80
	545		05	70
	547		—	90
	548		23	70
	553		09	60
	554		25	20
	555		02	70
	558		06	90
	559		02	10
	562		—	60
	745		10	50
	746		07	50
	786		11	10
	787		15	60
	788		05	10
	793		18	60
	794		05	70
	795		—	60
	843		03	30
	859		10	20
	860		11	70
	861		15	—
	862		03	90
	863		09	60
	864		08	10
	867		—	45
	868		04	20
	869		04	05
	870		07	80
	871		06	30
	872		06	30
	873		07	50
	874		07	50

1	2	3	4	5
	1070		10	20
	1071		21	00
	1072		2	40
	1105		13	50
	1112		5	70
	1113		15	00
	1114		22	20
	1115		—	60
	1116		—	60
	1117		15	00
	1118		—	30
	1124		16	80
	1125		2	70
	1130		4	00
	113		1	00
	1132		27	50
	1133		3	30
	1134		2	90
	1135		12	60
	1493		—	40
	1494		—	30
	1497		10	50
	1498		6	40
	1500		9	30
	1501		—	80
	1502		2	80
	1503		8	00
	1504		11	70
	1515		—	30
	1516		13	50
	1517		16	80
	1518		12	60
	1521		14	10
	1522		19	50
	1523		—	60
	1524		3	30
	1590		32	00
	1591		6	70
	1592		15	45
	1593		10	20
	1595		5	20
	1601		39	70
	1602		11	20
	1616		11	90
	1617		6	10
	1624		—	10
	1625		7	20
	1626		3	50
	1627		4	20
	1628		5	80
	1629		6	70
	1630		2	50
	1633		21	60 0
	1634		26	1
	1635		—	2
	1640		—	20
	1108/1670		2	40
	1519/1700		3	40
जोड़	100	8	72	85

[सं. एल-14016/6/94-जी.पी.-3]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2467.—Whereas it appears to the Central Government that it is necessary in ithe public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by subsection (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE PROJECT
Village : Bahanera Tehl: : Bharatpur Distt. : Bharatpur

Village	Khasra No.	Area		
		Hec.	Ayar	Sq. Mtr.
1	2	3	4	5
Bahanera	482		2	70
	483		4	50
	484		12	30
	492		12	30
	493		10	20
	521		18	30
	522		12	30
	523		—	30
	534		6	60
	535		4	80
	545		5	70
	547		—	90
	548		23	70
	553		9	60
	554		25	20
	555		2	70
	558		6	90
	559		2	10

1	2	3	4	5
	562		—	60
	745		10	50
	746		7	50
	786		11	10
	787		15	60
	788		5	10
	793		18	60
	794		5	70
	795		—	60
	843		3	30
	859		10	20
	860		11	70
	861		15	00
	862		3	90
	863		9	60
	864		8	10
	867		—	45
	868		4	20
	869		4	05
	870		7	80
	871		6	30
	872		6	30
	873		7	50
	874		7	50
	1070		10	20
	1071		21	00
	1072		2	40
	1105		13	50
	1112		5	70
	1113		15	00
	1114		22	20
	1115		—	60
	1116		—	60
	1117		15	00
	1118		—	30
	1124		16	80
	1125		2	70
	1130		4	00
	1131		1	00
	1132		27	50
	1133		3	30
	1134		2	90
	1153		12	60
	1493		—	40
	1494		—	30
	1497		10	50
	1498		6	40
	1500		9	30
	1501		—	80
	1502		2	80
	1503		8	00
	1504		11	70
	1515		—	30
	1516		13	50
	1517		16	80
	1518		12	60
	1521		14	10
	1522		19	50
	1523		—	60
	1524		3	30
	1590		32	00
	1591		6	70
	1592		15	45
	1593		10	20
	1595		5	20
	1601		39	70
	1602		11	20
	1616		11	90
	1617		6	10
	1624		—	10
	1625		7	20
	1626		3	50
	1627		4	20
	1628		5	80
	1629		6	70
	1630		2	50
	1633		21	60
	1634		26	10
	1635		—	20
	1640		—	20
	1108/1670		2	40
	1519/1700		3	40
Total	100	8	72	85

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली 6 सितम्बर, 1994

का.आ. 2468.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गंडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्पाबन्ध अनुसूची मे वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

ग्राम : बारापुर चक नं. 1 तहसील : भरतपुर जिला: भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मी.
1	2	3	4	5
बारापुर	1		14	10
चक नं. 1	10		30	60
	15		01	20
	16		02	40

1	2	3	5	4
दारापुर चक नं. 1	17		04	50
(ज़ारी)	18		02	40
	78		03	30
	80		20	70
	82		21	60
	83		03	30
	84		09	60
	87		23	70
	88		06	30
	94		24	00
	95		36	00
	97		36	00
	98		—	60
जोड़	17	2	40	30

[सं. एल. 14016/6/94 जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2468—Whreas it appears to the Central Government that it is necessary in the public interest that for the Transport of Natural Gas from H. B. J. in Boreri (Baran Distt.) to Godepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying sueh Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, thrrefore, in exercise of the powers conferred by subsection (1) of the Section 3 of the Petroleum and minerals Pipeline (Acquiation of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority to India Ltd. Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

VILLAGE : DARAPUR CHAK NO. 1 TEH. : BHARATPUR DISTT. : BHARATPUR (RAJ.)

Name Village	Khasara No.	Aera		
		Hcc.	Area	Sq. Mtr.
1	2	3	4	5
Darapur Chak	1		14	10
No. 01	10		30	60
	15		1	20
	16		2	40
	17		4	50
	18		2	40
	78		3	30
	80		20	70
	82		21	60
	83		3	30
	84		9	60
	87		23	70
	88		6	30
	94		24	00
	95		36	00
	97		36	00
	98		—	60
Total:	17	2	40	30

No. L-14016/6/94-G.P.]

[ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2469— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टत यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : दारापुर तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मी.
1	2	3	4	5
दारापुर	61		3	00
	64		1	50
	73		1	20
	74		16	80
	75		23	10
	77		12	00
	78		11	40
	193		5	10
	214		18	30
	215		03	60

1	2	3	4	5
	218		22	20
	219		15	00
	220		9	00
	218/535		1	80
	218/536		--	30
जोड़	15	1	45	20

[सं. एल-14016/6/94-जी-पी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2469.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided at any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Kherji Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPELINE PROJECT
Name Village : Darapur Tehl. Bharatpu Distt. : Bharatpur

Village	Khasra No.	Area		
		Hec.	Ayar	Sq. Mtr.
1	2	3	4	5
Darapur	61		3	00
	64		1	50
	73		1	20
	74		16	80
	75		23	10
	77		12	00
	78		11	40
	193		5	10
	214		18	30
	215		3	60
	218		22	20
	219		15	90
	220		9	00
	218/535		1	80
	218/536		—	30
Total:	15	1	45	20

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2470.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेड़ली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगी।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची
एच.बी.जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : धनगढ़ तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मी.
1	2	3	4	5
धनगढ़	14		—	30
	15		15	20
	15/469		01	00
जोड़	03	—	16	50

[सं. एल. 14016/6/94 जी. पी.]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2470.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And Whereasit appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise in the powers conferred by sub-section (1) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri-Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhsah Road, Kherli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by lega l Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE PROJECT

Name of Village: Dhanagarh Teh. : Bharatpur Distt.: Bharatpur

Village	Khasara No.	Area		
		Hec.	Area	Sq. Mtr.
1	2	3	4	5
Dhanagarh	*@			
	14		—	30
	15		15	20
	15/469		1	00
Total:	3	—	16	50

[No. L-14016/6/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2471.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेक्सी, सुभाष रोड, खेडली फाटक, कोट को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एच. बी. जे. अपग्रेडेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : चकधरपुर नं. 2 तहसील : भरतपुर जिला : भरतपुर

नाम ग्राम	खसरा नं	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मी.
1	2	3	4	5
चकधरपुर नं. 2	113	5		70
	115	25		20
	116	21		00
	117	10		20
	118	6		00
	119	3		00
	121	33		60
	125	2		40
	147	8		10
	149	8		70
	150	8		70
	152	10		50
	154	7		50
	157	8		10
	160	8		70
	162	7		20
	163	—		30
	164	8		70
	167	9		30
	168	9		00
	172	8		40
	177	9		00
	182	9		00
	184	8		40
	188	8		40
	189	8		70
	196	9		90
	197	8		40
	198	8		40
	402	29		10
	403	29		70
	408	36		30
	409	2		40
	479	11		40
	125/399	—		90
योग	35	2	90	30

[सं. एल 14016/6/94-जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2471.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and minerals Pipeline (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its inetntion to acquire the right of user therein;

Provided that any person interested in the said land may, witihn 21 days from the date of this notification subject to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri—Gadepan Gas Pipeline Project, Anand Bhawan Annexure, Subhash Road, Kherli Fatak, Kota,

And every person making such an objection shall also state specified whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. UPGRADATION GAS PIPE LINE PROJECT
Name of Village : Chakdharapur No. 2 Teh. : Bharatpur
Distt. : Bharatpur

Village	Khasara No.	Area		
		Hec.	Ayar	Sq. Mtr.
1	2	3	4	5
Chakdharapur No. 2	113		5	70
	115		25	20
	116		21	00
	117		10	20
	118		6	00
	119		3	00
	121		33	60
	125		2	40
	147		8	10
	149		8	70
	150		8	70
	152		10	50
	154		7	50
	157		8	10
	160		8	70
	162		7	20
	163		—	30
	164		8	70
	167		9	30
	168		9	00
	172		8	40
	177		9	00
	182		9	00
	184		8	40
	188		8	40
	189		8	70
	196		9	90
	197		8	40
	198		8	40
	402		29	10
	403		29	70
	408		36	30
	400		2	40
	479		11	40
	125/399		—	90
Total:	35	2	90	30

[No. L-14016/6/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2472.—अथकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.एन.एफ.सी. भरुच से एन.टी.पी.सी. जनोर तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस प्रयोजन के लिए इसके साथ संलग्न विवरण में निर्धारित भूमि पर प्रयोक्तता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाईप लाईन (भूमि पर प्रयोक्तता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड-3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्तता का अधिकार ग्रहण करने की मंशा की घोषणा करती है :

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइपलाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड दर्पण बिल्डिंग आर.सी. दत्त रोड वडोदरा (गुजरात) में दर्ज करा सकते हैं।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

जी. एन. एफ. सी. भरुच से एन. टी. पी. सी. जनोर पाइपलाइन

राज्य : गुजरात जिला : भरुच तालुका : भरुच

गांव	सर्वेक्षण संख्या/ खंड संख्या	क्षेत्रफल हेक्टेयर एयार	सेंटी एअर
कविथा	288	0-14-	04

[संख्या एल-14016/93-जी.पी.]
अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S.O. 2472.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GNFC - Bharuch to NTPC Zanor in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from G.N.F.C. to N.T.P.C. Zanor

State : Gujarat District : Bharuch Taluka : Bharuch

Village	S. No./ Block No.	Area		
		H.	Are	Centiare
Kavitha	288	0	14	04

[No. L-14016/1/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 6 सितंबर, 1994

का.आ. 2473—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.एन.एफ.सी. भरुच से एन.टी.पी.सी. जनोर तक प्राकृतिक गैस के परिवहन के लिए पाइपलाईन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है;

अतः पेट्रोलियम एवं खनिज पाईपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड-3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईपलाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्त रोड, बड़ौदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

जी. एन. एफ. सी भरुच से एन.टी.पी.सी. जनोर पाईपलाईन

राज्य : गुजरात जिला : भरुच तालुका : भरुच

गांव	सर्वेक्षण संख्या/ खंड संख्या	क्षेत्रफल		
		हेक्टेयर	एआर	सेंटीएआर
सामलोद	75	0	32	40

[संख्या एल-14016/1/93 जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 6th September, 1994

S. 2473.– Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GNFC Bharuch to NTPC Zanor in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by subsection (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from G.N.F.C. to N.T.P.C. Zanor

State : Gujarat District : Bharuch Taluka : Bharuch

Village	S.No./ Block No.	Area H.	Are	Centiare
Samlod	75	0	32	40

[No. L-14016/1/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ 2474 —जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भारत ग्लास और हाल्डीन ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइपलाईन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम और खनिज पाईपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड-3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइपलाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्त रोड, बड़ौदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी. जी. एस. से भारत ग्लास और हाल्डीन ग्लास पाईप लाईन

राज्य : गुजरात जिला : बड़ौदा तालुका : पादरा

गांव	क्रम सं.	क्षेत्रफल		
	ब्लाक नं.	हेक्टेयर	एआर	सेंटीएआर
गमेथा	230	00	08	80
	रोड	00	03	55
	231	00	11	07
	कैनाल	00	03	60
	236	00	06	04
	काटड़ैक	00	01	40
	241	00	00	18
	240	00	07	02
	239	00	11	43
	253	00	15	57
	काटड़ैक	00	03	78
	297	00	11	07
	296	00	05	94
	295	00	00	90

1	2	3	4	5
	311	00	14	04
	312	00	00	19
	317	00	02	89
	316	00	11	70
	319	00	07	47
	336	00	01	53
	335	00	09	70
	331	00	00	72
	332	00	16	66
	330	00	00	25
	333	00	18	59
	काट ट्रैक	00	01	20
	389	00	13	41
	368	00	00	41
	388	00	09	90
	386	00	08	60
	385	00	05	53
	384	00	08	37
	372	00	21	96

[संख्या एल-14016/8/94 जी. पी.]
अर्धेन्दु सैन, निदेशक

New Delhi, the 9th September, 1994

S.O. 2474.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd. in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Pelroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipe Line from GGS Dabka—Bharat Glass and Haldyn Glass Ltd.

State : Gujarat District : Baroda Taluka : Padra

Village	Sr.No. Block No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Gametha	230	00	08	80
	Road	00	03	55
	231	00	11	07
	Canal	00	03	60
	236	00	06	04
	Cart Track	00	01	40
	241	00	00	18
	240	00	07	02
	239	00	11	43
	253	00	15	57
	Cart Track	00	03	78
	297	00	11	07
	296	00	05	94
	295	00	00	90
	311	00	14	04
	312	00	00	19
	317	00	02	89
	316	00	11	70
	319	00	07	47
	336	00	01	53
	335	00	09	70
	331	00	00	72
	332	00	16	66
	330	00	00	25
	333	00	18	59
	Cart Track	00	01	20
	389	00	13	41
	368	00	00	41
	388	00	09	90
	386	00	08	60
	385	00	05	53
	384	00	08	37
	372	00	21	96

[No. L-14016/8/94-GP]
ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2475.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भारत ग्लास और हल्डीन ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम 1962 (1962 का 50) के खंड-3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है :

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइपलाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर० सी० दत्त रोड, बड़ौदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी. पी. एस. से भारत ग्लास और हाल्डीन ग्लास पाईप लाईन

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर

गांव	क्रम सं	क्षेत्र		
	ब्लाक नं	हेक्टेयर	एअर	सेंटीएअर
1	2	3	4	5
ऊचाड़	873	00	05	94
	872	00	08	19
	870	00	01	40
	871	00	07	63
		00	08	19
	866	00	03	42
	867	00	11	61
	816	00	07	74
	817	00	00	09
	811	00	33	48
	821	00	06	89
	822	00	11	83
	823	00	06	21
	824	00	00	24
	836	00	05	52
	825	00	35	73
	826	00	02	88
	827	00	03	17
	779	00	00	76
	828	00	02	55
	776	00	12	22
	कार्ट ट्रैक	00	03	30
	1174	00	14	46
	1175	00	00	18
	1176	00	20	19
	नाला	00	07	02
	कार्ट ट्रैक	00	00	90
	1211	00	39	47
	कार्ट ट्रैक	00	00	69
	1213	00	00	16
	कार्ट ट्रैक	00	01	68
	1370	00	01	95
	1369	00	12	90
	1368	00	07	96
	1367	00	00	60
	1366	00	05	66
	1341	00	00	86
	1342	00	09	42
	1339	00	01	92
	1343	00	07	02
	1344	00	05	13
	1347	00	02	88
	1348	00	00	04
	1346	00	05	67
	1349	00	11	25
	1350	00	02	52
	1326	00	15	75
	1329	00	06	81
	1327	00	06	61
	कार्ट ट्रैक	00	00	84
	1315	00	12	69
	1313	00	05	22
	1314	00	09	88
	1316	00	01	82
	1307	00	13	32
	1296	00	09	6
	1304	00	04	57
	1302	00	02	90
	1299	00	00	26
	1302	00	07	92
	1300	00	04	81
	1283	00	00	94
	52	00	00	81
	53	00	15	53
	कार्ट ट्रैक	00	14	43
	54	00	06	43

[संख्या एल-14016/8/94 जी. पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 9th September, 1994

S.O. 2475.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd. in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Darpan, Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from GGS Dabka-Bharat Glass and Haldyn Glass Ltd.

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centi-are
1	2	3	4	5
Uchhad	873	00	05	94
	872	00	08	19
	870	00	01	40

1	2	3	4	5
Uchad (contd.)	871	00	07	63
		00	08	19
	866	00	03	42
	867	00	11	61
	816	00	07	74
	817	00	00	09
	811	00	33	48
	821	00	06	89
	822	00	11	83
	823	00	06	21
	824	00	00	24
	836	00	05	52
	825	00	35	73
	826	00	02	88
	827	00	03	17
	779	00	00	76
	828	00	02	55
	776	00	12	22
	Cart Track	00	03	30
	1174	00	14	46
	1175	00	00	18
	1176	00	20	19
	Nalla	00	07	02
	Cart Track	00	00	90
	1211	00	39	47
	Cart Track	00	00	69
	1213	00	00	16
	Cart Track	00	01	68
	1370	00	01	95
	1369	00	12	90
	1368	00	07	96
	1367	00	00	60
	1366	00	05	66
	1341	00	00	86
	1342	00	09	42
	1339	00	01	92
	1343	00	07	02
	1344	00	05	13
	1347	00	02	88
	1348	00	00	04
	1346	00	05	67
	1349	00	11	25
	1350	00	02	52
	1326	00	15	75
	1329	00	06	81
	1327	00	06	61
	Cart Track	00	00	84
	1315	00	12	69
	1313	00	05	22
	1314	00	09	88
	1316	00	01	82
	1307	00	13	32
	1296	00	09	63
	1304	00	04	57
	1302	00	02	90
	1299	00	00	26
	1302	00	07	92
	1300	00	04	81
	1283	00	00	94
	52	00	00	81
	53	00	15	53
	Cart Track	00	14	43
	54	00	06	43

[No. L-14016/8/94 GP]

ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2476.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भारत ग्लास और हल्डीन ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ।

अतः, पैट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्त का अधिकार ग्रहण करने की मंशा की घोषणा करती है ।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्ता रोड, बड़ोदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी.जी.एस. से भारत ग्लास और हल्डीन ग्लास पाइप लाईन

राज्य : गुजरात जिला : बड़ोदा तालुका : पादरा

ग्राम	क्रम सं० ब्लाक नं.	क्षेत्रफल हैक्टेयर	एयर	सेन्टीयर
1	2	3	4	5
गावसाद	159	00	26	42
	126	00	07	46
	कार्ट ट्रैक	00	01	44
	69	00	00	75
	68	00	06	85
	71/ए	00	01	80
	स्टेट हाईवे	00	05	40
	145	00	10	24
	143	00	07	20
	142	00	03	60
	141	00	09	90
	128	00	39	80
	161	00	00	84
	160	00	14	04
	कच्चा रोड	00	01	44
	123	00	39	34
	122	00	00	94
	119	00	02	41
	120	00	12	17
	121	00	01	98
	114	00	13	14
	कार्ट ट्रैक	00	02	34

[संख्या एल 14016/8/94 जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 9th September, 1994

S.O.2476.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd. in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act. 1962, (50 of 1962), the Ceniral Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipe Line from GGS Dabka-Bharat Glass— and Haldyn Glass Ltd.

State : Gujarat District : Baroda Taluka : Padra

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centi-are
Gawasad	159	00	26	42
	126	00	07	46
	Cart Track	00	01	44
	69	00	00	75
	68	00	06	85
	71/A	00	01	80
	State Highway	00	05	40
	145	00	10	24
	143	00	07	20
	142	00	03	60
	141	00	09	90
	128	00	39	80
	161	00	00	84
	160	00	14	04
	Kaccha Road	00	01	44
	123	00	39	34
	122	0	00	94
	119	00	02	41
	120	00	12	17
	121	00	01	98
	114	00	13	14
	Cart Track	00	02	34

[No. L-14016/8/94 GP]

ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2477.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भारत ग्लास और हल्डान ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः, पट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइपलाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्त रोड, बड़ोदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेषरूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी.जी.एस. से भारत ग्लास और हाल्डीन ग्लास पाइपलाइन

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर

ग्राम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मी.
1	2	3	4	5
अंखी	160	00	08	40
	नाला	00	03	76
	159	00	31	29
	158	00	15	75
	140	00	11	88
	141	00	13	58
	142	00	03	30
	कार्ट ट्रैक	00	01	90
	120	00	16	92
	119	00	01	90
	118	00	15	45
	113	00	12	06
	116	00	10	26
	115	00	25	38
	90	00	16	47
	91	00	00	09
	82	00	13	37
	81	00	00	45
	80	00	09	22
	75	00	08	65
	79	00	06	53

1	2	3	4	5
	78	00	14	40
	कार्ट ट्रैक	00	02	33
	77	00	17	37
	76	00	07	84
	65	00	01	68
	64	00	19	56
	ववली-अंखी रोड	00	04	50
	1396	00	16	65
	1395	00	10	35
	1394	00	24	26
	1386	00	08	30
	1400	00	00	54
	1385	00	20	56
	1376	00	17	37
	1375	00	28	52
	1370	00	10	89
	कार्ट ट्रैक	00	02	79

[संख्या एल-14016/8/94 जी.पी.)]

अर्धेन्दु सेन, निदेशक

New Delhi, the 9th September, 1994

S.O. 2477.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd. in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of layng such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline uder the land to the Competent Authority, Gas Authority of India Ltd, Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from GGS Dabka– Bharat– Glass– and Haldyn Glass Ltd.

State : Gujarat Distrct : Bharuch Taluka : Jambusar

Village	Sr. No. Block No.	Area Hectare	Are	Centi Are
1	2	3	4	5
Ankhi	160	00	08	40
	Nalla	00	03	76
	159	00	31	29
	158	00	15	75
	140	00	11	88
	141	00	13	58
	142	00	03	30
	Cart Track	00	01	90
	120	00	16	92
	119	00	01	90
	118	00	15	45
	113	00	12	06
	116	00	10	26
	115	00	25	38
	90	00	16	47
	91	00	00	09
	82	00	13	37
	81	00	00	45
	80	00	09	22
	75	00	08	65
	79	00	06	53
	78	00	14	40
	Cart Track	00	02	33
	77	00	17	37
	76	00	07	84
	65	00	01	68
	64	00	19	56
	Vavli-Ankhi Road	00	04	50
	1395	00	16	65
	1396	00	10	35
	1394	00	24	26
	1386	00	08	30
	1400	00	00	54
	1385	00	20	56
	1376	00	17	37
	1375	00	28	52
	1370	00	10	89
	Cart Track	00	02	79

[No. L-14016/8/94 GP]

ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2478.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भारत ग्लास और हल्द्यान ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइपलाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्त रोड, बड़ोदा (गुजरात) में दर्ज कर सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी.जी.एस. से भारत ग्लास और हाल्डीन ग्लास पाईप लाइन

राज्य : गुजरात जिला : बड़ोदा तालुका : पादरा

ग्राम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	सें मी.
1	2	3	4	5
कंजत	रोड	00	04	09
	1073	00	02	48
	1071	00	03	15
	1072	00	11	49
	1069	00	07	83
	1068	00	03	15
	1003	00	05	38
	1067	00	00	86
	1004	00	02	55
	1005	00	12	66
	1006	00	05	58
	996	00	11	52
	997	00	08	46
	995	90	03	42
	कार्ट ट्रैक	00	01	44
	934	00	19	44
	927	00	17	10
	929	00	13	92
	932	00	02	40
	931	00	11	41
	कार्ट ट्रैक	00	01	08
	938	00	13	77
	944	00	04	60
	901	00	11	62
	896	00	00	81
	900	00	00	08
	897	00	08	03
	898	00	06	60
	895	00	02	66
	899	00	02	15
	894	00	11	78
	875	00	00	18
	876	00	07	65
	798	00	01	28
	कार्ट ट्रैक	00	02	34
	997	00	05	26
	796	00	13	14
	795	00	09	90
	कच्चा रोड	00	04	68
	764	00	23	76
	748	00	05	58
	747	00	09	01
	746	00	00	81
	749	00	20	16
	745	00	11	70
	750	00	02	10

[संख्या एल-14016/8/94 जी.पी.]

अर्घेन्दु सेन, निदेशक

New Delhi, the 9th September, 1994

S.O. 2478.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd. in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GGS DABKA-BHARAT GLASS—AND HALDYN GLASS LTD.

STATE : GUJARAT DISTRICT : BARODA

TALUKA : PADRA

Village	Sr. No.	Area		
	Block No.	Hect-are	Are	Centi-are
1	2	3	4	5
Kanzat	Road	00	04	09
	1073	00	02	48
	1071	00	03	15
	1072	00	11	49
	1069	00	07	83
	1068	00	03	15
	1003	00	05	38
	1067	00	00	86
	1004	00	02	55
	1005	00	12	66
	1006	00	05	58
	996	00	11	52
	997	00	08	46
	995	00	03	42
	Cart Track	00	01	44
	934	00	19	44
	927	00	17	10
	929	00	13	92
	932	00	02	40
	931	00	11	41
	Cart Track	00	01	08
	938	00	13	77
	944	00	04	60
	901	00	11	62
	896	00	00	81

1	2	3	4	5
Kanzat (Contd.)	900	00	00	08
	897	00	08	03
	898	00	06	60
	895	00	02	66
	899	00	02	15
	894	00	11	78
	875	00	00	18
	876	00	07	65
	798	00	01	28
	Cart Track	00	02	34
	797	00	05	26
	796	00	13	14
	795	00	09	90
	Kaccha Road	00	04	68
	764	00	23	76
	748	00	05	58
	747	00	09	01
	746	00	00	81
	749	00	20	16
	745	00	11	70
	750	00	02	10

[No. L-14016/8/94 GP]

ARDHENDU SEN, Director

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2479.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. डबका से भरत ग्लास और हल्दीराम ग्लास तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन गैस अथारिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है;

अतः पैट्रोलियम एवं खनिज पाइप लाईन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, आर सी दत्ता रोड, बड़ौदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा किसी व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

डबका जी.जी.एस. से भारत ग्लास और हल्दीराम पाईप लाईन

राज्य : गुजरात जिला : बड़ौदा तालुका : पादरा

ग्राम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	से. मी.
1	2	3	4	5
भमर	सड़क	00	04	38
	68	00	00	25
	64	00	22	63
	63	00	06	34
	65	00	13	37
	54	00	13	80
	55	00	00	28
	50	00	10	57
	49	00	00	84
	48	00	24	90
	47	00	20	43
	40	00	14	22
	39	00	11	88
	37	00	10	89
	32	00	14	85
	31	00	10	26
	नाला	00	05	85
	1279	00	02	40
	1280	00	11	50
	1277	00	03	81
	1281	00	24	74
	कार्ट ट्रैक	00	01	26
	1273	00	07	11
	कार्ट ट्रैक	00	01	26
	1253	00	20	34
	1248	00	16	29
	1249	00	00	66
	1250	00	15	18
	कार्ट ट्रैक	00	02	34
	1251	00	05	09
	1219	00	13	59
	1220	00	01	03
	1221	00	11	88
	1222	00	00	34
	1216	00	19	80
	कार्ट ट्रैक	00	00	90
	1199	00	16	19
	1200	00	07	70
	1191	00	17	23
	कार्ट ट्रैक	00	01	44
	1073	00	08	19
	1076	00	22	77
	1077	00	11	47
	1175	00	20	10
	कार्ट ट्रैक	00	08	36

1	2	3	4	5
मसर (जारी)	1173	00	01	65
	1172	00	20	67
	1120	00	07	25
	सड़क	00	04	68
	1117	00	03	42
	1119	00	07	38
	1114	00	22	41
	1113	00	12	87
	1112	00	14	94
	1111	00	15	63
	1110	00	00	75
	नाला	00	03	69
	1087	00	00	72
	1088	00	09	05
	1089	00	10	08
	1090	00	03	81
	1092	00	05	63
	कार्ट ट्रैक	00	04	41
	1046	00	00	80
	1034	00	19	89
	1035	00	12	11
	1030	00	18	51
	1022	00	16	20
	1021	00	19	62
	1016	00	12	51
	1015	00	07	92
	कार्ट ट्रैक	00	01	35
	1011	00	00	59
	1012	00	29	56
	1006	00	18	45
	1005	00	13	50
	1004	00	36	20

[संख्या एल-14016/8/94 जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 9th September, 1994

S.O. 2479:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from GGS Dabka to Bharat Glass and Haldyn Glass Ltd., in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962, (5 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GGS DABKA-BHARAT GLASS-AND HALDYAN GLASS LTD.

STATE : GUJARAT DISTRICT : BARODA TALUKA : PADRA

Village	Sr. No.	Area		
	Block No.	Hact-are	Are	Centi-are
1	2	3	4	5
Masar	Road	00	04	38
	68	00	00	25
	64	00	22	63
	63	00	06	34
	65	00	13	37
	54	00	13	80
	55	00	00	28
	50	00	10	57
	49	00	00	84
	48	00	24	90
	47	00	20	43
	40	00	14	22
	39	00	11	88
	37	00	10	89
	32	00	14	85
	31	00	10	26
	Nalla	00	05	85
	1279	00	02	40
	1280	00	11	50
	1277	00	03	81
	1281	00	24	74
	Cart Track	00	01	26
	1273	00	07	11
	Cart Track	00	01	26
	1253	00	20	34
	1248	00	16	29
	1249	00	00	66
	1250	00	15	18
	Cart Track	00	02	34
	1251	00	05	09
	1219	00	13	59
	1220	00	01	03
	1221	00	11	88
	1222	00	00	34
	1216	00	19	80
	Cart Track	00	00	90
	1199	00	16	19
	1200	00	07	70
	1191	00	17	23
	Cart Track	00	01	44
	1073	00	08	19
	1076	00	22	77
	1077	00	11	47
	1175	00	20	10
	Cart Track	00	08	36
	1173	00	01	65
	1172	00	20	67
	1120	00	07	25
	Road	00	04	68
	1117	00	03	42
	1119	00	07	38
	1114	00	22	41
	1113	00	12	87

1	2	3	4	5
Masar—contd.	1112	00	14	94
	1111	00	15	63
	1110	00	00	75
	Nalla	00	03	69
	1087	00	00	72
	1088	00	09	05
	1089	00	10	08
	1090	00	03	81
	1092	00	05	63
	Cart Track	00	04	41
	1046	00	00	80
	1034	00	19	89
	1035	00	12	11
	1030	00	18	51
	1022	00	16	20
	1021	00	19	62
	1016	00	12	51
	1015	00	07	92
	Cart Track	00	01	35
	1011	00	00	59
	1012	00	29	56
	1006	00	18	45
	1005	00	13	50
	1004	00	36	20

[No. L-14016/8/94-G.P
ARDHENDU SEN, Director

शुद्धिपत्र

नई दिल्ली, 30 अगस्त, 1994

का.आ. 2480.—भारत के राजपत्र के भाग-II, खंड 3, उपखंड (iii) में प्रकाशित दिनांक 27-12-93 की अधिसूचना संख्या के-13011/1/3/88-डी/डी-(ए/1बी को आंशिक रूप से संशोधित करते हुए "संशोधन" शीर्षक के अन्तर्गत दी गई तालिका निम्नलिखित के अनुसार पुनः संशोधित की जाती है ।

संशोधन :

"उत्तर-पश्चिम में नजफगढ़ रोड, उत्तर में पंखा रोड और जनकपुरी स्कीम, पूर्व पश्चिम में रिवाड़ी रेलवे लाइन और दक्षिण पश्चिम में तेल पाइप लाइन से घिरे हुए क्षेत्र को "कृषि और ग्रामीण उपयोग जोन" से निम्नलिखित में परिवर्तित किया जाता है :—

क्रम सं.	उपयोग	कुल क्षेत्र (हेक्टेयर में)
1.	रिहायशी	2144.87
2.	वाणिज्यिक	156.81
	(क) वाणिज्यिक	
	(ख) सेवा केन्द्र	
3.	सरकारी उपयोग	62.51
4.	सार्वजनिक/अर्द्ध-सार्वजनिक	265.71
5.	सार्वजनिक सेवाएं	43.68
6.	मनोरंजनात्मक	481.10
7.	परिवहन	497.32
	जोड़	3652.00

[सं. के-13011/3/88-डी. डी.-ii ए 1बी]
एम. सी. सागर, अवर सचिव

CORRIGENDUM

New Delhi, the 30th August, 1994

S.O. 2480:—In partial modification of the notification No. K-13011/1/3/88-DDIIA/1B dated 27-12-93 published in the Gazette of India Part II Section 3 sub section (ii) the table given under the heading of 'Modification' is replaced as below: —

MODIFICATION :

"Area bounded by Najafgarh Road on North-West, Pankha Road and Janakpuri Scheme on North Rewari Railway Line on East and Oil-Pipe Line on the South-West, is changed from 'agricultural and rural use zone' to : —

S.No.	Land Use	Total Area in ha.
1	2	3
1.	Residential	2144.87
2.	Commercial	
	(a) Commercial	156.81
	(b) Service Centre	
3.	Govt. Use	62.51
4.	Public/Semi public	265.71
5.	Public Utility	43.68
6.	Recreational	481.10
7.	Transportation	497.32
		3652.00 ha

[No. K-13011/3/88-DD-IIA/IB]
S.C. SAGAR, Under Secy.

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2481.—यतः निम्नांकित क्षेत्रों के बारे में कतिपय संशोधन, जिन्हें केन्द्र सरकार अधोवर्णित क्षेत्रों के बारे में दिल्ली बृहद् योजना/क्षेत्रीय विकास योजना में प्रस्तावित करनी है तथा जिसे दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 31-7-93 के नोटिस संख्या एफ 5(17)/69-एम पी खण्ड-1 द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-क की उप धारा (3) में अपेक्षित आपत्तियां/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किए गए थे ।

यतः कथित प्रस्तावित संशोधनों के बारे में 12 आपत्तियां/सुझाव जनता से प्राप्त हुए हैं जिन पर प्राधिकरण द्वारा विचार किया गया है और अस्वीकार कर दिए गए हैं।

और यतः मामले के सभी पहलुओं पर ध्यानपूर्वक विचार करने के पश्चात, केन्द्र सरकार ने दिल्ली बृहद् योजना क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।

अतः अब, केन्द्र सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त बृहद् योजना के एतद्द्वारा निम्नलिखित संशोधन करती है।

संशोधन

(1) गंगाराम अस्पताल को जाने वाली सड़क और ओल्ड राजेन्द्र नगर के ब्लाक संख्या-35 के साथ वाली लेन के जंक्शन के बीच वाले भाग में शंकर रोड के मार्गाधिकार को 61 मी. मार्गाधिकार से दोनों ओर की एक संपत्ति रेखा से दूसरी सम्पत्ति रेखा के बीच विद्यमान उपलब्ध मार्गाधिकार तक कम किया जाता है।

(2) इस प्रकार उपलब्ध होने वाली भूमि के भू उपयोग को "परिवहन" (सड़क परिचालन) से "आवासीय" में परिवर्तित किया जाता है।

[सं. के. 13011/10/93-डीडी-1 बी]
एस सी सागर, अवर सचिव

New Delhi, the 31st August, 1994

S.O. 2481.—Whereas certain modifications, which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F. 5(17)/69-MP-Pt. I dated 31-7-93 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions, as required by Sub-Section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

Whereas 12 objections/suggestions were received from the public with regard to the said proposed modifications, which have been considered and overruled by the Authority.

And whereas the Central Government have after carefully considering all aspects of the matter, decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION

(i) The right of way (R/W) of Shankar Road in the portion between junction with the road leading to Ganga Ram Hospital and with the lane along block No. 35 of Old Rajinder Nagar is reduced from 61 mts. to the existing available road right of way (R/W) from property line to property line on either side.

(ii) The land use of the area thus becoming available is changed from transportation' (Road Circulation) to 'residential'.

[No. K-13011/10/93-DD1B]

[No. K-13011/10/93-DD-1B]

शुद्धिपत्र

नई दिल्ली, 2 सितम्बर, 1994

का.आ. 2482.—यतः भारत के राजपत्र के भाग-II खण्ड 3 उपखंड (ii) में पृष्ठ 1564 पर प्रकाशित भारत सरकार शहरी विकास मंत्रालय के दिनांक 13-05-93 का आ.सं. 1111 द्वारा दिल्ली विकास अधिनियम, 1957 की धारा 11क की उपधारा (2) के तहत जारी अधिसूचना के तहत केन्द्र सरकार ने दिल्ली की बृहत योजना में 2.4 हेक्टेयर (5.92 एकड़) क्षेत्र को उत्तर पूर्व में गोकुलपुरी गांव, दक्षिण में वजीराबाद रोड और पश्चिम में पूर्वी यमुना नहर/गोकुलपुरी पुनर्वास कालोनी से घिरा हुआ है। इसके भू-उपयोग को रिहायशी से "सार्वजनिक और अर्ध सार्वजनिक सुविधाओं" (सुविधा सेवा केन्द्रों) में बदलने की सीमा तक अंतत संशोधित किया;

और यतः केन्द्र सरकार के ध्यान में लाया गया है कि हाल ही में तैयार की गई जोन "ई" की क्षेत्रीय विकास योजना के मसौदे में संशोधन शामिल करते समय राजपत्र में उक्त सूचना के प्रकाशन में कुछ त्रुटि पायी गई है;

अतः अब, केन्द्र सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कथित संशोधन में एतद्द्वारा निम्नलिखित संशोधन करती है;

अन्तिम पैराग्राफ की चौथी पंक्ति में "रिहायशी" के स्थान पर "मनोरंजनात्मक उपयोग" पढ़ा जाए।

[सं. के-13011/16/92-डी डी-1बी]
एस.सी.सागर, अवर सचिव

CORRIGENDUM

New Delhi, the 2nd September, 1994

S.O. 2482.—Whereas by the notification of the Government of India in the Ministry of Urban Development No. S.O. 1111 dated 13-5-93 published in the Gazette of India Part II Section 3 Sub-Section (ii) at page 1564 issued under Sub-Section (2) of Section 11-A of Delhi Development Act, 1957, the Central Government finally modified the Master Plan for Delhi to the extent of change of land use of an area measuring 2.4 ha. (5.92 acres) and bounded by Gokulpuri village in the North-East, Wazirabad road in the South and Eastern Yamuna Canal/Gokulpuri Resettlement Colony in the West, from 'residential' to 'public and semi-public facilities' (Facility-service-centre)";

And whereas it has been brought to the notice of the Central Government that certain mistake has been noticed while incorporating the modification in the recently prepared draft zonal development plan for zone 'E' in the publication of the said notification in the Gazette.

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby amends the said modification as follows :

In the last paragraph in the fourth line, in place of 'residential' read 'recreational use'.

[No. K-13011/10/93-DD-1B]

S. C. SAGAR, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 5 सितम्बर, 1994

का.आ. 2483.—केन्द्रीय सरकार एतद्द्वारा यह अधिसूचित करती है कि केन्द्रीय रेशम बोर्ड अधिनियम, 1948 की धारा 4 की उपधारा (3) में खण्ड (ग) के अनुसरण में लोक सभा में निम्नलिखित सांसदों को उनके नामों के सामने दी गई तारीखों को उक्त अधिनियम के उपबन्धों की शर्त पर तीन वर्ष की अवधि के लिए केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने हेतु विधिवत निर्वाचित किया है :

1. श्री आर. जीवारत्नम	12-8-94
2. श्री जी. देवराय नायक	12-8-94
3. श्री वी. धनजय कुमार	23-8-94
4. श्री सुव्रत मुखर्जी	23-8-94

[फा.सं. 25012(4)/91-रेशम]

जयंत दासगुप्ता, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 5th September, 1994

S.O. 2483.—The Central Government hereby notifies that in pursuance of clause (c) of Sub-Section (3) of Section 4 of the Central Silk Board Act, 1948, the following members of Lok Sabha have been duly elected by the House on the dates mentioned against each to serve as members of the Central Silk Board for a period of three years subject to the provisions of the said Act :—

1. Shri R. Jeevarathinam	12-8-94
2. Shri G. Devaraya Naik	12-8-94
3. Shri V. Dhananjaya Kumar	23-8-94
4. Shri Subrata Mukherjee	23-8-94

[File No. 25012/4/91-Silk]

JAYANT DASGUPTA, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 25 अगस्त, 1994

का.आ. 2484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/485/86-डी-II-ए/आई आर (बी-2)]

वी. के. शर्मा, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 25th August, 1994

S.O. 2484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of INDIAN BANK and their workmen, which was received by the Central Government on 25-8-94.

[No. L-12012/485/86-D. II. A/IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Wednesday, the 20th day of July, 1994

Present :

Thiru K. Ponnusamy, M.A.,B.L., Industrial Tribunal.

INDUSTRIAL TRIBUNAL NO. 92/87

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Indian Bank, Madras-1).

BETWEEN

The Workman represented by
The General Secretary,
Indian Bank Employees' Union,
25, Second Line Beach,
Madras-600 001.

AND

The General Manager,
Indian Bank,
31, Rajaji Salai,
Madras-600 001.

REFERENCE :

Order No. L-12012/485/86-D.II(A), dated 11-8-87, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 29th day of June, 1994 upon perusing the reference, Claim Counter Statements and all other material papers on record and upon hearing the arguments of Thiru S. Vaidyanathan for Tvl. Row & Reddy, Advocates appearing for the Workmen and of Thiru R. Arumugham for Tvl. Aiyar & Dolia, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for the adjudication of the following issue :

"Whether the action of the Management of Indian Bank, Madras in effecting recovery of L.F.C. advance of Rs. 2,000/- taken on 4-9-81 at the interest rate 15 per cent per annum from the salary of Shri A. Chellam, Clerk-cum-Shroff is justified ? If not, to what relief is the workman entitled ?"

2. The Claim of the petitioner briefly stated is as follows: As per letter dated 18-4-85 of the Head Office of the Bank and by an order dated 25-3-85 disciplinary authority in the respondent-bank has imposed the punishment of stoppage of one increment without cumulative effect on Shri A. Chellam, a member of the Petitioner-Union. The Head Office advised the Harbour branch to recover the LFC advance of Rs. 2,000 sanctioned to the employee A. Chellam, with interest at 15 per cent per annum. The said Chellam joined as sub-staff in the bank and he got his promotion to the clerical category. Chellam having been recruited only as sub-staff and not even studied S.S.L.C. he was not fully aware of the implications of the LFC rules as per Bipartite Settlement. The employee is entitled to avail L.F.C. for himself, his wife, children and his dependant parents. The said employee applied for leave from 5-9-81 to 21-9-81 in order to avail leave fare concession. The employee took the leave fare concession advance of

Rs. 2,000 on 4-9-81. The delinquent alongwith his wife and children and his dependant parents went from Madras to Hyderabad via Tirupathi on 5-9-81 by bus. He came back to Madras on 19-9-1981 by leaving his perents behind to return on 9-1-82. The delinquent joined duty on 22-9-81. On 7-4-82, he submitted a T.A. bill for himself and his family amounting to Rs. 1,762.50 and refunded the excess amount drawn by him as advance. The bank made enquiries from Andhra Pradesh State Road Transport Corporation and they informed the respondent that out of those tickets submitted by the delinquent, only 4 tickets represented the journey from Hyderabad to Madras on 16-9-81. The travel from Madras to Hyderabad by the delinquent and his family is not disputed. The controversy is with regard to the other two tickets for which the delinquent's explanation is that his parents returned on 9-1-82. Delinquent was under the impression that his parents can return within 4 months of availing of LFC. He was not aware of the LFC rules because he was only a sub-staff promoted clerk. The Management issued a Show Cause Notice on 30-12-82 calling for an explanation from the employee as he had not performed the journey from Hyderabad to Madras on 10-9-81 and for having claimed falsely Rs. 507.50. The employee submitted the explanation denying the charges. In his explanation he has stated that the journey in fact was performed by his parent on 9-1-82 from Hyderabad to Madras. He, his wife and children returned on 16-9-81, is not disputed. The bank issued a charge sheet on 31-5-83 and appointed an Enquiry Officer. The Disciplinary Authority has found the employee guilty mainly on the basis that he had admitted that the journey was performed by his parents on 9-1-82. That does not mean that journey was not performed at all. There is no dispute that the employee alongwith his wife and children and parents performed journey from Madras to Hyderabad. The employee, his wife and children numbering 4 returned to Madras from Hyderabad on 16-9-81. There can be no case of claim, and only mix up of days. The Disciplinary Authority and Appellate Authority are not justified in finding the employee guilty of the charge merely on the admission that the employee's parents came back to Madras on 9-1-82. The punishment of stoppage of one increment without cumulative effect awarded to the employee is not justified. There cannot be double punishment. The only dispute is on the technical ground that two tickets did not represent journey from Hyderabad to Madras on 16-9-81. There is no justification in recovering the L.F.C. advance. The action of the bank is arbitrary.

3. The defence of the respondent stated briefly is as follows : The delinquent is not aware of the L.F.C. rules cannot be an excuse for the misconduct committed by him. The employee is guilty of misconduct. The punishment awarded to the employee is justified. The allegation that the employee travelled from Hyderabad to Madras on 16-9-81 and he had committed a mistake of giving the ticket dated as 10-9-81 as he was only a sub-staff promoted, is incorrect. The scrutiny of the T.A. Bills submitted by the employee under letter dated 9-12-82 of the Andhra Pradesh State Road Transport Corpn. Ltd. clearly indicates that the entire claim for return journey is not true. The employee has produced tickets in the denomination of Rs. 25/-, Rs. 10/-, Rs. 4/-, and Rs. 5|- and paise 50 totalling a sum of Rs. 477.50 and claimed Rs. 507/- in his bill for the journey said to have been performed on 10-9-81 from Hyderabad to Madras. The Andhra Pradesh State Road Transport Corpn. has categorically stated that the tickets in the denomination of Rs. 10 and Rs. 4 alone were issued for Hyderabad to Madras service on 16-9-81 and the tickets in the other denomination viz., Rs. 10, Rs. 5 and paise 50 would not have been issued from that end. It is clear that entire tickets produced by the employee for the journey purported to have been performed on 10-9-81 is false and clearly admitted that the journey was in fact performed by the petitioner and his family members excluding his parents would not stand for a moment's scrutiny in the light of the above letter. Even assuming without admitting that the claims of the employee is correct, admittedly the workman left his parents at Hyderabad to return during January, 1982, only but yet the employee has claimed in his bill that his parents accompanied him in all his trips to Palani, Madurai, Banaglore and Madras. The claim made by the employee for his parents for the rest of journey is not tenable. When the employee has made a fraudulent claim for the part of the journey, it is not incumbant upon employer to scrutinise the entire bills and differentiate the false claim from the genuine bill and pass the bill for the part of journey performed genuinely by the employee. The respondent does not have any alternative but to reject the entire bill in toto and ake appropriate disciplinary action against him for making fraudulent claim. Proper disciplinary action was initiated by the Disciplinary Authority against the employee for making fraudulent claim and after going through the process of enquiry, giving reasonable opportunity to workman concerned, he was found guilty and awarded the punishment of stoppage of one increment without cumulative effect. This is not included in terms of the reference. Admittedly the employee has taken an advance of Rs. 2,000 towards L.F.C. on 4-9-81 and it has been established in the domestic enquiry that he did not utilise the amount for the L.F.C. and he made fraudulent claim. As per the rules prescribed by the bank for the availment of L.F.C. facility, the employee on completion of the journey should submit his bills within 15 days from the date of completion of L.F.C., and remit back the balance and unutilised amount of advance into the bank. If the employee fails to produce the bill and adjust the advance within 15 days on completion of L.F.C. as per the rules of the bank, the entire advance is recoverable with 15 per cent interest from the date of advance. Employee has not utilised the amount for the purpose of L.F.C. and he made a false claim. The respondent had to recover the advance taken with 15 per cent interest from the date of advance. It was done as per administration rules prescribed for availment of L.F.C. So, the recovery of advance with 15 per cent interest cannot be construed as a punishment. In any event, the bank is entitled to recover Rs. 2,000 taken an advance by the employee, when the same was not adjusted by him by submitting genuine T. A. bill, the said rule is invoked as the advance is not utilised by the employee for the purpose for which it is taken.

4. The point for determination is : Whether the action of the Management of Indian Bank, Madras in having recovering the L.F.C. advance of Rs. 2,000 taken on 4-9-81 with the interest at the rate of 15 per cent p.a. from the salary of Shri A. Chellam, Clerk-cum-Shroff is justified ? If not to what relief is the workman entitled to ?

5. The Point : The petitioner entered into service as substaff in Indian Bank, Harbour branch, under the respondent. He was promoted as Clerk-cum-Shroff. The delinquent applied for leave fare concession from 5-9-81 to 21-9-81 on 4-9-81. He obtained advance of Rs. 2,000 from the respondent. He presented the T.A. bill for Rs. 1,769.50 towards reimbursement and remitted back the excess of Rs. 507.50. The respondent charge sheeted the employee and rejected his claim and passed orders for recovery of the advance of Rs. 2,000 with interest at the rate of 15 per cent p.a. from 4-9-81 on the ground that tickets produced alongwith this T.A. bill are bogus, is borne out by Ex. M.1. The employee submitted his explanation that the bill may be passed for the eligible amount is evidenced by Ex. W-1. The respondent sent a communication to the employee's defence counsel R. M. Vellayam who is the President of the Indian Bank Employees' Union that the copy of the enquiry proceedings had already been sent to him and he should submit his defence within 15 days from the date of receipt of the communication, is made out by Ex. W-9. Explanation of the employee was unsatisfactory. The domestic enquiry was ordered and conducted against the employee. Loganathan was appointed as the enquiry officer, is established by Ex. W-10. The case of the employee is that he, his wife, and two children and his parents travelled from Madras to Hyderabad on 5-9-81 and he and his wife and children returned from Hyderabad to Madras on 16-9-81, but, the date of return journey is mistakenly stated as 10-9-81 and it is a clerical error and his parents returned from Hyderabad to Madras on 9-1-82. His case is that he, his wife and his parents returned on 16-9-81, is contrary to his case that his parents returned on 9-1-82. The inconsistency proves that the employee is not definite about his case. The T.A. bill must be presented within 15 days from the date of completion of the journey. The domestic enquiry was conducted fairly and properly complying with the procedure, the provisions of law, Standing Orders, the principles of natural justice, good conscience, and equity. The domestic enquiry is not vitiated by any irregularity, impropriety, fault and mistake. The employee was given reasonable and full opportunity to defend the charges levelled against him, to cross-examine the witness examined on the side of the respondent and to lead

evidence on his side and produce the documents. The domestic enquiry conducted by the Enquiry Officer is just and proper, and in accordance with the provisions of law and the Standing Orders. The employee sent the letter to the Deputy General Manager is evidenced by Ex. W-3. The Enquiry Officer Loganathan after analysing the entire evidence and the documents, came to the conclusion that the employee is guilty of the charges framed against him is proved by Ex. M.1. The employee sent the letter to the Deputy General Manager to advise the disciplinary authority to pass the bill and drop further proceedings is borne out by Ex. W-10. The respondent sent the letter Ex. W-2 to the employee whether he requires personal hearing regarding the proposed punishment and to fix a convenient date for the personal hearing. The employee sent the letter to the Deputy General Manager is evidenced by Ex. W-5. The Disciplinary Authority inflicted the punishment of stoppage of one increment without cumulative effect, last due and ordered for the recovery of Rs. 2,000 with interest at the rate of 15 per cent per annum from 4-9-81 is made out by Ex. W-4. The Deputy General Manager dismissed the appeal preferred by the employee is borne out by Ex. W-6 and W-7. The respondent sent a letter to the Assistant Labour Commissioner (Central) is evidenced by Ex. W-8. The tickets and the amount do not tally. It goes a long way to prove that the petitioner and his family and parents had not actually travelled from Hyderabad to Madras. The tickets of denomination of Rs. 10, Rs. 5 and paise 0.50 could not have been issued by Andhra Pradesh State Road Transport Corporttion, is established by Ex. M.3. The respondent does not dispute the journey from Madras to Hyderabad does not ipso facto establish that the petitioner his family and his parents travelled from Madras to Hyderabad. The petitioner has to prove that he, his family and his parents actually travelled from Madras to Hyderabad and vice versa. His parents are alleged to have returned from Hyderabad to Madras on 9-1-82. If really the petitioner, his family and his parents travelled from Madras to Hyderabad and vice versa, his parents could not have stayed in the petitioner's sister's house at Hyderabad and returned only on 9-1-82. There is no proof that the petitioner's parents returned from Hyderabad to Madras on 9-1-82. The petitioner has not given any reason for the staying of his parents in his sister's house at Hyderabad till 9-1-82. The discrepancy in the date of journey, the amount and the tickets do not tally, that the tickets of denomination of Rs. 10, Rs. 5 and paise 0.50 could not have been issued by the Andhra Pradesh State Road Transport Corporation, goes to show that the petitioner procured the tickets from a 3rd party and his parents did not return alongwith the petitioner and his family from Hyderabad to Madras shew, that his claim is false. The petitioner is not aware of the rules and that is why the reason, there is discrepancy in the date of. onward and return journey and the tickets of the denomination of Rs. 10, Rs. 5 and paise 0.50 since he is not aware of the rules cannot stand for a moment's scrutiny. Ignorance of law is no excuse. Ex. W-4 clinches the issue. The tickets are bogus and that is why the reason that the entire claim is rejected by the respondent. The petitioner produced false tickets which resulted in the rejection of the claim of the petitioner by the respondent. The petitioner produced false tickets. The domestic enquiry was conducted fairly and properly and in accordance with rules and procedure. The principles of natural justice, equity and good conscience have been complied with by the Enquiry Officer, in the domestic enquiry conducted by him. The petitioner was given full opportunity to defend the charges framed against him. The domestic enquiry conducted by the Enquiry Officer is just, fair and proper. The Enquiry Officer after analysing the evidence and the documents rightly came to the conclusion that the petitioner is guilty of the charges levelled against him, is borne out by Ex. W-2. The misconduct committed by the petitioner is a major misconduct. The punishment of stoppage of one increment without cumulative effect last month due is not disproportionate to the crime committed by the petitioner. The petitioner had intention to make false claim. Clause 10.8 of the Memorandum of Bipartite Settlement states that "leave fare concession should be availed within 4 months from the date of grant of leave fare concession." The claim made by the petitioner is time barred since the T.A. bill ought to have been presented within 15 days from the date of completion of the journey. The T.A. bill was presented on 7-4-82. is borne out by Ex. M.2. There is no question of double jeopardy since the respondent stopped one increment without cumulative effect falling next month due is only an administrative action, taken by the Management against the petitioner and the order for recovery of Rs. 2,000 with interest at the rate of 15 per cent p.a. is not at all a punishment since the petitioner had obtained an advance of Rs. 2,000 and he, his family and his parents had not actually travelled from Madras to Hyderabad and vice versa. The claim of the petitioner is time barred. The petitioner is not entitled to the legitimate amount. The T.A. bill was not presented within 15 days from the date of completion of the journey. The charges framed against the petitioner are proved. The charges proved by legal evidence. Prima facie case has been made out against the petitioner. The second show cause notice was served on the employee is made out by Ex. W-2. The employee submitted his explanation to the 2nd show cause notice is borne out by Ex. W-3. The petitioner preferred an appeal to the General Manager (Credit) is evidenced by Ex. W-5. The appeal was dismissed is borne out by Ex. W-6. The petitioner worte a letter to the Assistant Commissioner of Labour (Central) is evidenced by Ex. W-7.

6. Taking aforesaid aspects and impeccable documents into consideration, this Tribunal comes to the irresistable conclusion, that the action of the Management of Indian Bank in having recovered the leave fare concession advance of Rs. 2,000 taken on 4-9-81 with interest at the rate of 15 per cent per annum from the salary of Shri A. Chellam, Clerk-cum-Shroff is justified. The petitioner is not entitled to any relief. The point is found against the petitioner.

In the result, an award is passed negativing the claim of the workman. No cost.

Dated this the 20th day of July, 1994.

THIRU K. PONNUSAMY, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For Workman :

Ex. W-1—Proceedings of the Enquiry Officer (copy).

Ex. W-2/15-2-85—Second Show Cause Notice issued to Thiru A. Chellam enclosing findings of the Enquiry Officer dated 30-11-84 (Xerox copy).

Ex. W-5/9-5-85—Appeal preferred by Thiru A. Chellam (Xerox copy).

Ex. W-4/25-3-85—Order of punishment issued to Thiru A. Chellam by Disciplinary Authority (Xerox copy).

Ex. W-5/9-5-85—Appeal preferred by Thiru A. Chellam against the punishment imposed on him (Xerox copy).

Ex. W-6/18-7-85—Order of Appellate Authority (Xerox copy).

Ex. W-7/22-7-86—Letter from Petitioner-Union to the Assistant Labour Commissioner (Central), Madras-6 (Xerox copy).

Ex. W-8/2-8-86—Letter from Management-Bank to the Assistant Labour Commissioner (Central) Madras-6 (Xerox copy).

Ex. W-9/30-7-85—Letter from Management-Bank to the Petitioner-Union enclosing summing up on the enquiry conducted against Thiru A. Chellam (Xerox copy).

Ex. W-10/17-11-84—Letter from Petitioner-Union to the Enquiry Officer enclosing summing up of the defence representative in the matter of enquiry conducted against Thiru A. Chellam. (Xerox copy).

For Management :

Ex. M-1/31-5-83—Charge sheet issued to Thiru A. Chellam (Xerox copy).

Thiru A. Chellam enclosing findings of the Enquiry.

नई दिल्ली, 25 अगस्त, 1994

का.आ. 2485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. की बेनीडीह कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है।

[संख्या एल-20012(160)/85-डी.III(ए)/आई आर(कोल-1)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 25th August, 1994

S.O. 2485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Benedih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government.

[No. L-20012|160|85-D.III(A)|IR(Coal-I]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1) (d) of the I.D. Act., 1947.

Reference No. 24 of 1986

PARTIES :

Employers in relation to the management of Benedih Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. Bose, Secretary, R.C.M.S. Union.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dated. Dhanbad, the 17th June, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(160)/85-D III(A), dated, the 3rd January, 1986.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh for Excavation Grade 'B' to S/Shri Kedar Nonia, Shanker Gope and Ramashankar Gope, Pay-Loader operators in Benedih Colliery of M/s. Bharat Coking Coal Limited from January, 1981 is justified ? If so, to what relief are these workmen entitled ?"

2. This matter was pending since 1986 for disposal. Lastly on 31-5-94 the learned counsel for the management submitted that the persons under reference have already been given their due promotion. The learned counsel for the workmen urged that the copy of the order giving promotion to the concerned workmen should be filed before the reference is disposed off. Accordingly the learned counsel for the management was directed to produce the office order.

3. The necessary order was filed on 13-6-94 whereby all the concerned workmen were given promotion in Excavation Grade-B.

4. As per terms of reference the union namely Rashtriya Colliery Mazdoor Sangh demanded promotion of Shri Kedar Nonia, Shankar Gope and Ramashankar Gope Pay Loader Operators in Benedih Colliery of M/s. BCCL in Excavation Grade-B with effect from January, 1981. I find that the photo copies of the necessary orders giving promotions to the concerned workmen in Excavation Grade-B have been filed. The order promoting Shri Kedar Nonia, Shankar Gope and Ramashankar Gope vide office order dt. 19-5-90, 15-4-91 and 18-4-91 respectively are on the record. The learned counsel for the union Shri S. Bose perused those orders and he submitted that the necessary award in terms of the office order can be passed. In the circumstances, it is clear that now there does not exist any dispute between the parties. The office orders will forms part of the Award. In the circumstances now a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

अनुबन्ध

भारत कोकिंग कोल लिमिटेड

(कोल इंडिया लिमिटेड का एक अंग)

उप मुख्य खनन अभियंता का कार्यालय, नदखरकी, कोलियारी

ब्लाक-II-क्षेत्र

कार्यालय आदेश

नई दिल्ली, 19 मई, 1994

कार्मिक प्रबन्धक ब्लाक-II क्षेत्र के कार्यालय आदेश संख्या जी.एम./बी-II/पी. डी./64/90, दिनांक 10-1-90 के अनुसार तथा इस कार्यालय के आदेश संख्या न.को./का.वि.-प्रोन्नति/आ.का./1757/90, दिनांक 12-1-90 के अनुसार निम्नलिखित लोडर को प्रोन्नति उत्खनन श्रेणी "बी" में हुई है अतः इनका मूल वेतन निम्नलिखित निर्धारित किया जाता है :—

क्रमांक	नाम	पुराना श्रेणी	नया श्रेणी	मूल वेतन
1.	श्री अर्जुन सिंह	69.39 सी.	बी.	बी 74.05
2.	श्री अमरनाथ गौप	62.46 सी.	बी.	बी 66.19
3.	श्री शंकर घोष	68.91 सी.	बी.	बी 74.05

सर्वश्री अर्जुन सिंह, अमरनाथ गौप एवं शंकर गौप को प्रोन्नति कैटेगरी "सी" में 5-3-89 से की गई है तथा इनका वेतन निर्धारण भी उस केटेगरी में किया गया है। श्री अर्जुन सिंह एवं श्री अमरनाथ गौप को नेशनल सिनीयरिटी देते हुए केटेगरी "बी" में दिनांक 5-8-89 से किया गया है तथा श्री शंकर गौप तकनीकी सुपरवाइजरी ग्रेड "डी" में थे तथा इनका मूल वेतन 5-8-89 को 68.91 निर्धारित किया गया। नेशनल सिनीयरिटी के साथ इनकी प्रोन्नति 1-1-90 से केटेगरी "बी" हुआ है। इनका मूल वेतन दिनांक 1-1-90 से 74.05 रु. होगा।

ह./ उप मुख्य खनन अभियंता

संबंधित कर्मचारी नदखरकी कोलियरी

न.को/का.वि.-प्रोन्नति/डी.पी.सी./का.आ./416/90

ANNEXURE

BHARAT COKING COAL LIMITED

(A Subsidiary of Coal India Limited)

Benedih Colliery

Block-II Area

Ref. No. BC/00/56/91

Dated, the 10th April, 1991

OFFICE ORDER

In pursuance of letter No. CGM/B-II/PD/144/90 dated 28-1-91 issued by Personnel Manager, Block-II Area. The following Operators have been placed in Gr./Cat. as indicated against their names. Accordingly their pay fixation has been done as under :—

Sl. No.	Name	Designation	Date of regularisation	Regularisation Gr./Cat.	Basic before regularisation	Basic after regularisation	P.P. for operating higher capacity of Mech.
1	2	3	4	5	6	7	8
1.	Sri Raju Thomas	Dozer Optr.	31-7-89	B(Excvn)	53.22	55.71	2.62
2.	,, Laxmi Chand	-do-	-do-	-do-	-do-	-do-	-do-
3.	,, Sakhi Mahto	Payloader Optr.	1.4.90	-do-	53.29	-do-	—
4.	,, Kedar Monia	-do-	-do-	C	64.79	66.19	—
5.	,, Lalbihari Panday	Dumper Optr.	15-1-91	C	52.60	53.22	5.11
6.	,, Jhabar Rajbhar	-do-	1-4-90	B	53.22	55.71	3.63
7.	,, Bijoybahadur Kurmi	-do-	1-2-90	B	57.84	58.33	3.89
8.	,, Laljee Harizan	-do-	1-4-89	B	61.26	63.57	4.41
9.	,, Raghunandan Singh	-do-	1-4-89	B	61.25	63.57	4.41
10.	,, Kedar Mandal	-do-	15-7-90	C	47.67	48.60	5.14
11.	,, Upendra Saw	-do-	15-7-89	B	55.53	55.71	3.63
12.	,, Jagadish Singh	-do-	15-7-89	C	49.44	50.91	5.14
13.	,, Bodh Raj	-do-	15-2-90	B	55.53	55.71	—
14.	,, Sheetahal Saw	-do-	15-7-88	A	73.74	76.62	—
15.	,, Rajendra Mandal	-do-	15-1-90	C	49.44	50.91	5.14
16.	,, Ramnawal Rai	-do-	15-7-90	C	56.52	57.84	3.11
17.	,, Sriniwas Kanu	-do-	1-4-90	C	52.98	53.22	5.11
18.	,, Awadhesh Kr. Singh	-do-	9-5-90	C	54.75	55 33	2.80
19.	,, Mrinal Kanti Mandal	-do-	9-5-90	C	56.52	57.84	3.11
20.	,, Harinarayan Singh	-do-	8-6-90	C	56.52	57.84	3.11
21.	,, Hasim Mia	-do-	15-1-91	C	60.06	60.15	3.42
22.	,, Rajendra Singh	-do-	15-7-89	C	47.38	48.60	4.45
23.	,, Soshankar Singh	-do-	15-1-90	C	49.44	50.91	5.14
24.	,, Sidhnath Singh	-do-	15-1-90	C	49.44	50.91	5.14
25.	,, Sahaya Guria	-do-	15-7-89	C	47.67	48.60	4.49
26.	,, B.B. Dubey	-do-	15-7-89	C	47.67	48.60	4.49
27.	,, Sibdayal Yadav	-do-	15-7-90	C	51.21	53.22	5.14
28.	,, S.N. Mandal	-do-	15-7-89	C	51.21	53.22	5.14
29.	,, Bajrangi Thakur	-do-	8-10-89	C	47.67	48.60	4.49
30.	,, D.R. Jha	-do-	15-7-89	C	47.67	48.60	4.49
31.	,, Dasarath Singh	-do-	15-1-90	C	51.21	53.22	5.14
32.	,, Ramlakhan Pasi	-do-	15-7-89	B	55.33	55.71	3.63
33.	,, Dayashankar Pandey	-do-	15-7-89	C	47.67	48.60	4 49
34.	,, Dharandeo Prasad	-do-	8-10-89	C	47.67	48.60	4.49
35.	,, Rasool Mia	Drill optr.	15-1-91	C	47.67	48.60	—
36.	,, Shyamball Harizan	-do-	15-1-91	C	54.28	55.34	—
37.	,, Chiranji Lal Saini	Shovel Optr.	22-4-90	B	64.77	66.19	4.67
38.	,, Manohar Lal Sharma	-do-	22-4-90	B	62.46	63.57	4.23
39.	,, Om Prakash	-do-	16-9-89	B	55.53	55.71	3.63
40.	,, Narayan Jena	Drill Optr.	7-10-90	C	49.44	50.91	—

Their date of annual increament remain the same.

The concerned bill clerk is hereby directed to implement the above order as early as possible.

c.c. to :—Bill Clerk, Benedih Colliery

Sd/-
Manager/Agent
Benedih Colliery

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एयर इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-94 को प्राप्त हुआ था ।

[संख्या एल-11012/3/93-आई आर (विविध)/कोल-1]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 26th August 1994

S.O. 2486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Bombay (No. 1) as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Air India and their workmen, which was received by the Central Government on 24-8-94.

[No. L-11012|3|93.IR(Misc)|IR(Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-21 of 1993

PARTIES :

Employers in relation to the management of Air-India.

AND

Their Workmen.

APPEARANCES :

For the Management.—Shri Swamy, Advocate.

For the Workmen.—No appearance.

INDUSTRY : Airlines. STATE : Maharashtra.

Bombay, dated the 5th day of August, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute to this Tribunal under Section 10(1)(d) read with Section 2(k) of the Industrial Disputes Act, 1947 (For short 'Act')

> "Whether the action of the management of Air India in terminating the services of Mr. Ashok K. Gaikwad, Driver of Ground Service Department with effect from 28th September 1989 is legal and justified ? If not what relief the workman is entitled to ?"

2. Statement of claim has been filed by the workman. He has stated therein that he was appointed by the Air India Corporation as a driver on temporary basis with effect from 7-12-1988, and he continued to work as such till 24-2-1989, on which date his services came to be terminated. He further states that he was re-engaged by an order dated 13-3-1989, with effect from 2-3-1989, once again as a driver on temporary basis. It is however his contention, that he was appointed against a permanent vacancy. He has produced copies of the appointment letters as well as the termination orders alongwith his statement of claim.

3. The management has not disputed the fact that he was appointed as driver on temporary basis The management however denied that the same was made against any permanent vacancy. It is the contention of the management, that he was appointed for a specific period only and his services were terminated on completion of the same, since his services were not required, and it is a case of appointment on purely temporary basis. It is submitted on behalf of the management, that he never applied for a permanent job and also could not be appointed as such It is further contended that even assuming that the delinquent was appointed against the permanent vacancy, it cannot be deemed that the appointment was of permanent nature. The management submits that the workman has not completed continuous service of 240 days in a span of 12 calendar months or one year immediately preceding the date of his termination. Besides, it is stated that the present dispute suffers from lackes, and it is a belated one, and deserved to be rejected.

4 It is denied by the management that the workman was entitled to the protection of Section 25-F of the Act.

5. The short point that arises for consideration, and that has been referred for adjudication is, whether the action of the management is just and legal, and, my view on the said point is in the affirmative.

6. The admitted position obtaining from the material on record is, that by an order dated 22-12-1988, the Corporation appointed him with effect from 7-12-1988 on purely temporary basis, as Driver, till 24-2-1989. The letter exhibit 'B' dated 20-2-1989 informs him that his services were no more required by the Corporation with effect from 24-2-1989. This letter however, is followed by another communication dated 13-3-1989, by which he came to be appointed once again with effect from 2-3-1989 again as a Driver on temporary basis, and by letter dated 27-3-1989, his services came to be terminated with effect from 1-4-1989. Once against he was appointed with effect from 5-6-1989 by the Corporation's letter dated 12-6-1989 on temporary basis till 23-8-1989, and Exhibit 'F' dated 22-8-1989 is the order terminating his services with effect from 24-8-1989. Exhibit 'G' dated 30-8-1989, shows that he was again appointed with effect from 29-8-1989 as a Driver till 27-9-1989, and that too was on temporary basis, and came to be terminated by letter dated 25-9-1989.

7. It is therefore evident therefrom, that as and when there was a vacancy, and he approached the management he came to be appointed on temporary basis, for a specific period as can be seen from the letters of appointment. It is also evident from his application and the letter of the Corporation dated 19-4-1990, that he had applied for the post of Driver, and the subject mentioned there is appointment of Driver on temporary basis. It is therefore, the case of the management, that he had never applied for a permament job in the Corporation, and if he had applied the same might have been considered alongwith other such applications. However, I find that there is no substance, whatsoever, in the grievance made by the workman that his services have been terminated illegally, and there is no merit in that contention.

8. When the matter came up before me for hearing on 13-6-1994, there was no appearance on behalf of the workman, and, therefore, the matter came to be disposed of in his absence. However before the Award could be signed, the workman approached this Tribunal, and prayed for one more opportunity, which was granted by me and the matter came to fixed for hearing on 11-7-1994 However, on the adjourned date, again there is no appearance on behalf of the workman.

9. Mr. Swamy appearing on behalf of the management, informs me that none of his juniors have been retained in service, and, there is also no material to show that he was in continuous employment for more than 240 days in 12 calendar months immediately preceding the date of termination of his services.

10. In the circumstances in the absence of any material on record to show that he had completed 240 days of continuous seervice, it is difficult to hold that the action of the management is unjustified, or illegal. The Award is, therefore, accordingly made, holding that the action of the management, is, just and proper, and the workman is not entitled to any relief.

Award accordingly.

Sd/-

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत पेट्रोलियम कारपोरेशन लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, (सं. 1) बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-94 को प्राप्त हुआ था।

[संख्या एल-30011/18/91-आई आर (विविध)/(कोल-1)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 26th August, 1994

S.O. 2487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay (No. 1) as shown in the Annexure in the industrial dispute between the employees in relation to the management of Bharat Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 24-8-1994.

[No. L-30011/18/91-IR (Misc)/IR (Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-2 of 1992

PARTIES :

Employers in relation to the management of Bharat Petroleum Corporation Ltd.

AND

Their Workmen.

APPEARANCES :

For the Management—Shri Rele, Advocate.

For the Workman—Shri Devdas, Advocate.

INDUSTRY : Oil and Natural Gas STATE : Maharashtra

Bombay, the 3rd day of August, 1994

AWARD

"Whether the action of the management of Bharat Petroleum Corporation Ltd. in compelling the three workmen namely Mr. Tukaram (Mali) Mr. Shiba Manji (Bearer) and Mr. Lalit Gohil (Filing Peon) to work for 6 days in a week is legal and justified ? if not to what relief the workmen are entitled to and from which date ?"

1. Above reference has been made by the Government of India, Ministry of Labour, New Delhi, by letter dated 7-1-1992, under Section 10(1)(d) read with sub-section 2-A of the Industrial Dispues Act, 1947.

2. Statement of claim has been filed on behalf of the workmen by the General Secretary, Petroleum Employees' Union. The contention is that they are made to work for 6 days in a week where in fact actual working days of the establishment to which they are posted, are only 5 days in a week. Thus the workmen are made to do duies on Saturdays without payment of overtime wages. It according to the union is unjustified and Tribunal should direct the management to put these three workmen on 5 days week that is Monday to Friday and pay overtime allowance to these workmen with interest for working on an off day of the establishment that is on Saturdays since they joined the establisiment

3. Management has filed written statement under the signature of Senior Manager Employee Relations, W.R. of Bharat Petroleum Corporation Ltd. It is admitted that these three workmen are putting in 6 days a week. However, the demand is for reduction of number of working days in a week which is not within the jurisdiction of this Tribunal to grant. It is further contended it is the management's function and it is the management which is the best judge as to what is in the interest of the organisation to fix working hours and to give 6 days a week and 5 days a week Since the time the erstwhile Burmah-Shell Company was functioning this Training Centre has been operating to impart training to management personnel and residential accommodation is provided at the Training Centre for those who come from outside Bombay. Furnished self-contained rooms accommodate trainees. Officer of the Chief Training Manager and for the upkeep and maintenance of the Centre and for providing and supplying the course material to the trainees on a regular basis the Corporation has employed staff. Seven emlpoyees, General Operatives/Safai Karmachari work in two shift rota for 6 days a week (45 hours per week excluding lunch break) with weekly on on Sunday. One Filing Peon who works from 0930 hours to 1730 hours for 6 days a week with weekly off on Sunday (45 hours per week excluding lunch break). Shri Lalit Gohil, present incumbent, joined on 1-2-1984. One Bearer, who works from 0930 hours to 1730 hours for 6 days a week with weekly off on Sunday (45 hours per week excluding lunch break). The present incumbent Mr. Shiba Manji joined on 1-7-1958. One General Operative attending gardening works from 0830 hours to 1600 hours for 6 days in a week with a weekly off on Sunday (45 hours per week excluding lunch break). The present incumbent Mr. Tukaram joined on 6-4-1981. In addition there is a Driver and Watchmen and they work in shifts and two Clerical Staff attached to Chief Training Manager's Office who work from 0930 hours to 1700 hours for 5 days a week (35 hours per week excluding lunch break). Driver worked for 5 days a week with Saturday having working hours from 0830 hours to 1800 hours (42.50 hours per week excluding lunch break). Watchmen worked in three shifts. Their total working hours are 45 hours per week excluding lunch break.

4 The nature of duties performed by the Filing Peon, Bearer and General Operative (Garden) have ben mentioned in the written statement. The justificaion given by management is that the Filing Peon has to prepare verious handouts/folders to be distirbuted to the trainees, for course beginning on Mondays and display on the Notice board notices, circulars and other course material as required and also arrange to keen the lecture hall ready. The course terminates on Fridays, hereafter the arrangements for the next course are made on Saturdays. The bearer has to keep the rooms ready, it could be done only before the participants arrive and after the participants of the previous course leave. The participants leave generally on Friday late in the evening or Saturday morning and it is possible to do this work of uptaken of the rooms only on Saturdays. So far as the General Operative (Garden) is concerned he has to look after the garden and which working requires regular watering of plants, arranging of flower veses/watering indoor plants inside the Training Centre.

5. The function of the Training Centre Office and the Chitf Recruitment Manager's Office though situated in the same premises differs and cannot be compared. It is further stated that in this establishment also there are employees other than those in respect of whom grievance is made who worked for 6 days in a week and therefore, it is not correct to say that it is only these three employees who are doing duty for 6 days a week. It is also stated that in other departments 5 days a week is observed there are employees who put in 6 days a week. It is then contended that the Training Centre was started by the erstwhile Burmah-Shell Company way back is 1950 has been observing 6 days week and the concerned workmen have been working for 6 days a week and for 45 hours per week from the date of their joining the services of the Corporation. It is also stated that the Long Term Settlement for which the union is a signatory does not mention or modify the number of working hours per week of workmen employed at the Training Centre (which is in vogue for four decedes).

6. So far as the overtime wages are concerned the workmen would be entitled to that only if they put in the extra work beyond their normal working hours on a working day or on holidays as per statutory norms and overtime payment is not related to the number of working days in an establishment. The Long Term Settlement also does not justify the claim.

7. Following issues have been framed and together with my findings they are set out below.

ISSUES	FINDINGS
1. Whether the action of the management of Bharat Petroleum Corporation Ltd. compelling the three workmen namely Mr. Tukaram (Mali), Mr. Shiba Manji (Bearer) and Mr. Lalit Gohil (Filing Peon), to work for six days in a week legal and justified ?	Yes
2. If not, what relief the workmen are entitled to and from which date ?	No relief

8. Parties adduced oral evidence and also relied upon documents. They also made written and oral submissions.

9. The first contention is that the Government of India has made another reference by letter dated 4-6-1993 to the Central Government Industrial Tribunal No. 2 and one of the terms of reference mentioned in the Schedule is "Whether the action of the management in not finalising the issue of rationalisation of working hours is justified ? If not, to what relief the workmen are enitled ?" and therefore, the present reference in respect of these three employees and which demands of rationalisation of working hours was a duplication. All that I would say is that the present reference has been made to this Tribunal on 7-1-1992, while the second reference is made on 4-6-1993, that is much later. Besides, the present reference deals with the case of only three employees working on the establishment of the Training Centre and second reference deals with all the employees of the Bharat Petroleum Corporation Ltd. working in Souhern Region. I am not called upon to find out the justification of the management's action in nonfinalisation of the issue of rationalisation of working hours but to find out the justification of the adtion of the management in making these three employees work on Saturday. I will proceed to do that and only that.

10. Admitted position is that these three employees are working on the establishment of the Training Centre at Juhu. It is also an admitted position that there they are working for 6 days a week and at total number of hours in the week for which they work is 45 hours excluding lunch break. From the particulars given in the written statement of the number of employees working it is seen that General Operative|Safai Karamcharies working in shifts work for 6 days a week (45 hours per week excluding lunch break) that they have only one weekly off namely Sunday. They do their work in two shifts and first shift from 06.00 hours to 14.00 hours, and the second shift from 14.00 hours to 22.00 hours. Then the Watchmen who work in three shifts for 6 days a week (45 hours per week excluding lunch break), first shift from 07.00 hours to 15.00 hours and second shift from 15.00 hours to 23.00 hours and third shift from 23.00 hours to 07.00 hours. Therefore, on these establishment of the Training Centre it is not that only 6 Watchmen worked for 6 days a week. It appears that the exigencies of administration demand that the present workmen and some others have to work for 6 days a week. It must be remembered that the number of hours they work does not exceed 45 hours per week. There is another category of workmen on this establishment and that is of Driver who worked for 5 days a week with Saturday and Sunday off days and the total hours of work are 42.50 per week excluding lunch break. Clerical staff also worked for 5 days a week (35 hours per week excluding lunch break) and hours of work from 09.30 hours to 17.00 hours. These are not the only three persons out of 21 who work on 5 days a week and their hours of working are less than the rest of the 18 workmen.

11. Management has given justification for these persons working for 6 days a week and the work these workmen expected to do is given in the written statement. It has to be remembered that at this Training Centre the course commence on Monday and ends on Friday. Some times, it extends to Saturday also as can be seen from management's documents on page 10 with list dated on 6th August, 1993. That shows that the course commencing on August 27, 1992 and ending on September 4, 1992, included Saturday 29th August, 1992, and in that position it is natural that the management will be required to have the presence of the Staff. Even otherwise the management's case is that after trainees leave etiher on Friday evening or Saturday morning the material for the next week's course has to be kept ready and rooms which they will occupy have to be kept erady. This work can be done only on Saturdays and therefore, these persons are expected to work and asked to work on Saturdays. There is no prohibition whatsoever, and it is the management's function and surely not of the Tribunal to alter the hours fixed by the management. It is not shown that the hours of work fixed by the management are contrary to any statutory provisions. In the statement of claim, it has been stated that the establishment is a Commercial Establishment under the Shops and Establishments Act. If that be so the total number of hours that the employees shall be required or allowed or work in such an establishment cannot exceed 9 hours on any day and 48 hours in any week, under Section 14 of the Shops and Establishments Act. The present three employees are not made to work for more than 48 hours in a week.

12. The extract (relevant) of Long Term Settlement is on record and that is of the year 1982. It shows under head overtime allowance, the overtime allowance payable to workman and it contemplates category of the workmen who work 48 hours a week and overtime payable to them if they exceed that. It also speaks, of a workman called upon to work on a holiday in any Establishment or on a Saturday in an Establishment that observes a 5 day week. He is entitled to payment of amount equal to 1 1/2 times wages. It also says that the employees who do no work 5 days week will however not be entitled to this payment for work on a Saturday. Therefore, the category of workmen who are having working for 6 days or in other works 6 day week is contemplated by this Long Term Settlement. It is difficult, therefore, for union to successfully contend that these workmen could not be called upon to work on Saturdays because others do not work on Saturdays. It is evident that there are ohers in the same Establishment of the Training Centres. They are working for 6 days in a week (45 hours per week excluding lunch break) on the Establishment of Bharat Petroleum Corporation who are working for 6 days in a week and if that be so and if it is for the the management to fix the working hours without contravening the Saturday provisions. I do not think the action of the management in having 6 days week can be called as illegal much less unjustified.

13. In this connection the authorities which have been referred to and relied upon on behalf of the managemet could be mentioned here. In the case between May and Baker (India) Ltd. and their workmen, reported in 1961 II LLJ page 94, the Supreme Court observed "The Company

next attacks the provision as to working hours. The main contention is that fixatiton of working hours is peculiary management function and there was no reason for the Tribunal to interfere with the hours of work fixed by the Company, particularly when they were well within the hours allowed under the Delhi Shops and Establishments Act. It appears that the Company's working hours are from 09.00 a.m. to 05.00 p.m. with three rest intervals—one hour for lunch, fifteen minutes for morning tea, and fifteen minutes for afternoon tea. The Tribunal changed the hours to 09.30 to 05.00 p.m. with one hour's interval for lunch. Theoratically, therefore, there was no reduction in the working hours but practically there was, because the Tribunal directed that instead of the two inervals of fifteen minutes each for tea which was supplied by the Company to its workmen, it should see that the tea is supplied to the workmen at their tables. Obviously therefore, what will happen is that the workmen will take their time for tea because they cannot both work and take tea at the same time, and the Tribunal has in effect reduced the working hours by half an hour each day. There is, in the circumstances, no justification for this reduction. Similarly, the Tribunal has reduced the working hours for the subordinate staff for which again we find no justification. In the circumstances, the existing working hours which are well within the hours of work prescribed under the Delhi Shops and Establishments Act will continue and the Tribunal's modification of them is set aside." This is precisely what is asked for by the union by asking for abolishing Saturday working which will in fact result in reducing the hours of work which the Tribunal cannot obviously do. It is indirectly asking for overtime wages for work on Saturday and it is not for the Tribunal to provide the employees opportunity for overtime wages, if there is none.

14. This is what has been observed in the decision between Associated Cement Staff Union and another and the Associated Cement Co. and others reported in 1964 I LLJ Page 12, by the Supreme Court. It is observed, "The first contention raised by Mr. Ramamurthi in support of the workmen's appeals is that having fixed the wages of the workmen on the basis of the existing working hours of 34-1/2 hours in its award in Reference No III the Tribunal was not justified in changing the working hours without making a charge in the wage-rates. It is argued that this increase in the working hours without an increase in the wage-rates amounts really to a gift of a considerable sum of money to the company, as but for this increase the workman would have been entitled to overtime payment for the additional hours they will have to work under the present award. This argument seems to us to be misconceived. It is not the function of industrial adjudication to fix the working hours with an eye to enabling the workmen to earn overtime wages. Hours of work have to be fixed in consideration of many factors, includng the question of fatigue on the health of the workmen, the effect on their efficiency, the physical discomfort that may result from the long and continuous strain, the need of leisure in the workmen's lives, the hours of work prevailing for similar activities in the same region and also in similar concerns and other relevant factors. But once a conclusion about the normal working hours is reached after considering the optimum working hours on a consideration of all the relevant factors, industrial adjudication cannot hesitate to give effect to its conclusion merely because the workmen would have been entitled to more wages at overtime rates if the hours of work had been fixed at less ....."

15. It is therefore, evident that the three workmen working on the establishment of Training Centre for 6 days a week because of exigencies of administration and the number of hours that they work 48 hours per week which is permissible under section 14 of the Shops and Establishments Act, which according to the union applied to the present Commercial Establishment. It is not shown that it is either illegal or unjustified. It is in the circumstances, not possible to grant any relief as asked for either in the form of direction to the Corporation or in the payment of overtime allowance. Findings on issues and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/150/85-डी-ii (ए)/बी.-1]

बी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 26th August, 1994

S.O. 2438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 25-8-94.

[No. L-12012/150/85-D.II(A)/B.I.]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Friday the 22nd day of July, 1994

PRESENT :

Thiru K. Ponnusamy, M.A., B.L., Industrial Tribunal.
Industrial Dispute No. 39/86

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of India Rajaji Salai, Madras).

BETWEEN :

Shri Joseph Jayaseelan,
No. 306, Gandhi Pradana Salai
T. V. Nagar
Tirumangalam,
Madras-600 040.

AND

The Chief General Manager,
State Bank of India,
Rajaji Salai,
Madras-600 001.

REFERENCE :

Order No. L-12012/150/85-D.II(A) dated 26-5-86, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for a final hearing on Wednesday, the 29th day of June, 1994 upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiru S. Senthilnathan, Advocate appearing for the Workman and of Tvl. R. Sreekrishnan, G. Hariharan and R. Prabhakaran, Jayaraj, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :—

AWARD

This reference has been made for the adjudication of the following issue :—

"Whether the action of the Management of State Bank of India Rajaji Salai, Madras in terminating the services of Shri Joseph Jayaseelan, Sub-Staff with from 19-1-84 is justified ? If not, to what relief is the workman concerned entitled ?"

2. The Claim of the petitioner briefly stated is as follows.—The petitioner joined the services of the State Bank of India, under the respondent on 12-6-80, as Messenger. While the petitioner was working in Aminjikarai branch of the respondent, he was placed under suspension by a letter dated 13-10-82. Then months after suspension, Show cause Notice dated 8-7-83 was issued to the petitioner that on 23-10-81 the petitioner has been instrumental in a fraudulent withdrawal of Rs. 600 from the Saving Bank Account No. 2763 of S. Purushothaman, maintained in respondent's Aminjikarai branch, and on 29-9-82, he tendered Rs. 80 for exchange of notes to J. Sivasubramaniam, Clerk/Cashier of that branch, received Rs. 800 instead of Rs. 80 and he did not report the excess cash paid to him. On 20-7-82 when the petitioner was at his home, Srinivasan, the Branch Manager of the said Branch, the Accountant Peter, Vigilance Officer, Namachivayam and the Clerk-Balasubramaniyan came to his house and threatened and coerced him to give a statement admitting the first charge. The petitioner's father was also compelled to write a statement according to the dictation of the vigilance officer and the petitioner was asked to put his signature. The vigilance officer threatened the petitioner that unless he obeyed him, the petitioner would be handed over to the police. Only in those circumstances the statement was recorded. Again on 6-10-82 the Vigilance Officer and the Branch Manager coerced the petitioner to give another statement admitting the 2nd charge. Fearing Police prosecution the petitioner gave statement. The petitioner was promised that if he made such a statement his interests would be taken care of. After giving the statement, the petitioner was placed under suspension. The petitioner on 21-7-83 and 8-8-83 wrote letters to the Regional Manager asking him to furnish the copy of the statement given by him under coercion. The enquiry was conducted without furnishing copies to the petitioner. The enquiry was started even before the submission of explanation of the petitioner. The petitioner brought to the notice of the Enquiry Officer by his letter dated 16-5-63 and requested him to furnish the copies of the aforesaid statements. The Enquiry Officer in his communication dated 20-9-83 informed the petitioner that the copies of the statement would be sent to him by the prosecution, directed before the enquiry. The copies of the statements were not furnished to the petitioner. But on 8-12-83 the petitioner appeared before the Enquiry Officer and requested him to grant time as the Union's representative was not available to defend him in the enquiry on account of the agitation in the bank. The Enquiry Officer declined to adojurn the enquiry and offered 1|2 hour time to get assistance. It was impossible to get defence assistant within short time of 1|2 hour. Under such circumstances the petitioner could not do anything and was set exparte. On the findings submitted by the Enquiry Officer that the charges levelled against the petitioner are proved the respondent by the letter dated 29-12-83 informed the petitioner regarding the punishment of dismissal of the petitioner from service without notice. Personal hearing for punishment was given on 19-1-84. The petitioner request for adjournment of the enquiry on the ground that the Union's representative was not available, was rejected. The petitioner was not permitted to given a detailed statement. The Enquiry Officer has written something and took the signature of the petitioner. The very next day the dismissal order dated 19-1-84 was sent to the petitioner. He sent an appeal to the Chief General Manager and the General Manager by his letter dated 24-3-84, informed petitioner that his dismissal was just and appeal was dismissed. The petitioner sent a mercy petition and it was rejected. The petitioner raised an Industrial dispute under Section 2-A of the Industrial Disputes Act, before the Labour Commissioner (Central-I), Madras over his non-employment. The said Labour Commissioner initiated conciliation proceedings. The conciliation proceedings ended in failure as the respondent took unhelpful attitude. The Conciliation Officer submitted his failure report. The Ministry of Labour by the Order dated 26-5-86 referred the dispute to this Tribunal for adjudication. The dismissal of the petitioner from service is illegal, unjust and contrary to the principles of natural justice. The enquiry conducted against the petitioner vitiated by material irregularities. Enquiry was commenced even before the submission of his explanation to the Show Cause Notice. Commencing enquiry without the explanation of the petitioner to the Show Cause notice prove that the respondent has predetermined to remove the petitioner from service. The statements dated 27-9-82 and 6-1-82 were obtained from the petitioner under threat and coercion. In spite of the intimation by the Enquiry Officer that the documents will be sent by disciplinary authority the petitioner was not furnished with the copy of the documents even at the stage of enquiry. The removal order is mainly based on the statements alleged to have been given by the petitioner. The petitioner was dismissed from service without furnishing the copy of the statements and giving him an opportunity to defend the charge levelled against him. Even before the passing of the dismissal order, the Disciplinary Authority has not issued Show Cause notice to the petitioner. The enquiry was conducted not only contrary to the principles of natural justice, but also against the bank awards and agreements. The respondent failed to consider the past records of the petitioner before awarding the capital punishment of removal from service. The Enquiry Officer was biased and failed to conduct himself impartially. Inspite of request of the petitioner to the Enquiry Officer to give him time to bring defence representative, he could not get defence representative on account of the agitation in the bank. The Enquiry Officer knowing fully well that there was on agitation in the bank did not have an opportunity to the petitioner to defend himself through his representative. Even during personal hearing the petitioner could not avail the assistance of Union representative. His statements were not recorded. The findings of the Enquiry Officer is perverse and not based on materials placed before him. Reasons for suspension was not given and the suspension is contrary to the relevant rules. The report of the Enquiry Officer shows that the charges framed against the petitioner were not proved in the enquiry. The handwriting expert has given his opinion that the petitioner has not forged the signature. The findings is based only on the alleged statements of the petitioner. There is contradiction between the statements given by the petitioner on 27-9-82 and 6-10-83. According to his earlier statement, he forged the signature and his latter statement says that Rajendran forged the signature. The handwriting expert has given his opinion that the forged signature is not that of the petitioner. In spite of such contradiction, in the answer the Enquiry Officer has found the petitioner guilty of the charges levelled against him.

3. The defence of the respondent briefly stated is as follows.—The Industrial dispute raised by the petitioner is frivolous and without any material and it does not deserve any favourable order to the petitioner. The petitioner is not entitled to get an award holding that the dismissal of the petitioner is unjustified and he is not entitled to get all the benefits. The attack of the findings and the confirmation of punishment by the petitioner is devoid of merits. The statement of petitioner admitting the charges was not obtained by compulsion and coercion. The petitioner on his own accord admitted the charges and gave the statement. The petitioner without any compulsion or coercion by anybody on his own free will, admitted the guilt. The Investigating Officer never threatened the petitioner to handover him to the Police. The petitioner fully understanding the implications and consequences of his statement admitted the charges. His statement is out of free will and volition. As regards the first charge, the Police Complaint was already filed and as such the question of threatening the petitioner that he will be handed over to the Police is not only an after thought but also absurd. The copies of the letters were furnished to the petitioner. The petitioner himself voluntarily wrote a letter fully knowing, understanding the contents and the consequences. The petitioner had full knowledge of what he has stated in his statement. When the petitioner knows well the contents of his letter, there was no necessity for the respondent to furnish him with the copies of the letters. Copy of the letters and statements were supplied to the petitioner on first hearing date of enquiry proceedings on 10-11-83. The petitioner was charge sheeted on 8-7-83. Since the petitioner did not arrange for his defence, representative, the enquiry was adjourned to 8-12-83 giving one month time to the petitioner to arrange for his defence counsel. Copies of the relevant documents were also supplied to him. In spite of one month time given to the petitioner, he did not turn up with defence counsel, in time. On the next hearing date, the petitioner presented a

letter to the Enquiry Officer requesting him to grant him further time to enable him to arrange for his defence representative. The reason stated in that letter is neither sound nor reasonable. His intention was only to delay the disciplinary proceedings. Though, the Enquiry Officer gave the petitioner 1|2 hour time, to arrange for his defence representative, he failed, and deliberately defaulted to avail the opportunity and walked out of enquiry proceedings on his own. So, the enquiry officer was forced to set the petitioner exparte and went on with the enquiry proceedings. The petitioner was set exparte by his own default. Full opportunity was given to the petitioner to defend the charges. The petitioner could not turn around and say that he was not given sufficient opportunity to defend the case. The enquiry was posted to suit the convenience of the petitioner. The petitioner deliberately remained exparte. As such the Enquiry had to be conducted in his absence. The Enquiry Officer conducted the enquiry fairly and properly and found the petitioner guilty of the charges levelled against him and sent his findings to the Disciplinary Authority. The Disciplinary Authority gave one more opportunity of hearing to the petitioner and then only confirmed the proposed punishment. The respondent adhered to all the principles of fair labour practice, principles of natural justice and fair play. The petitioner was given personal hearing and his statement was duly heard and recorded. The Appellate Authority who has followed the procedure in accordance with the pirnciples of natural justice and after hearing personally to the petitioner, gave his decision accordingly. The decision of the Appellate Authority does not suffer from infirmity or prejudice. The petitioner has admitted his guilt before the Appellate Authority. As to the second charge, the punishment of dismissal is justified. Taking into account that the bank is a public institution, it will be detrimental to the interests of the bank to keep the petitioner in service who is lacking in integrity and honesty. The petitioner was given sufficient time to file his explanation to charge sheet, but he has failed to avail wilfully and by his own fault avoided and precluded himself from giving explanation to the charge sheet. The petitioner had more than sufficient time to defence his case before the enquiry officer and he failed to do so. So, the petitioner cannot throw blame on the respondent. He is estopped by him own conduct from contending that no opportunity was given to him. The respondent accepting the findings of the Enquiry Officer awarded the punishment of dismissal of the petitioner from service without notice is perfectly just and proper.

4. The point for determination is : "Whether the action of the Management of State Bank of India, Rajaji Salai, Madras in terminating the services of Shri Joseph Jayaseelan, Sub-Staff with effect from 19-1-84 is justified ? If not, to what relief is the workman concerned entitled ?"

5. Purushothaman opened a Savings Bank Account in the State Bank of India, Aminjikarai Branch by making initial deposit of Rs. 600 on 21-9-1989 and his account number is 2076, is borne out by Exs. M.1 and M-17. Specimen signature of Purushothaman is Ex. M 18. The said account holder on 16-11-1989 come to the said bank and orally complained that he never withdrew Rs. 600 on 6-11-1981. He requested that then Branch Manager of the said Bank Srinivasan to issue duplicate pass book on 1-9-1981. On 5-10-1981 he depostied Rs. 700. On 5-10-1981 there was a fraudulent withdrawal of Rs. 600 by forgery an impersonation brought to the light of the then Branch Manager on 16-11-1981. On 7-1-1981 the account holder Purushothaman gave a written complaint to the then Branch Manager of the bank. Karunakaran, Clerk of the said bank wrote a letter to the Branch Manager of the said bank that he could not recollect and identify the person who presented the pass book is borne out by Ex. M.2. The Cashier Pankajaraj wrote a letter to the Branch Manager that as usual he asked the name, amount, the denomination of the currency from the presentor who said the correct amount of the voucher, his name and after exercising the normaly, care and caution, made the payment to the person who produced the said voucher and due to efflux of time he may not be able to identify the said person is evidenced by Ex. M.2. Sivasubramanian, the Clerk of the said bank wrote a letter to the Branch Manager of the said bank that the shortage in the cash balance on 23-9-1982 is Rs. 720 due to the excess payment when exchange of notes made to the delinquent and asked the Branch Manager to recover the said amount from the petitioner is borne out by Ex. M. 22. The Central Office asked the Branch Manager as what action was taken against the petitioner is made out by Ex. M. 13. The explanation submitted by the petitioner was unsatisfactory. The domestic enquiry was ordered and conducted against the petitioner. The domestic enquiry proceedings is substantiated by Ex. M.4 to M.7. The Prosecuting Official Vasudevan enquired into the misconduct committed by the petitioner and prepared the report is made out by Ex. M. 18. In Ex. M. 8 it is stated that the petitioned admitted the misconduct on his part. The Enquiry Officer after analysing the oral evidence and scrutinising the documents found that the petitioner is guilty of the charges levelled against him is borne out by Ex. M.9. The petitioner admitted the crimes is established by Ex. M. 10. Original of Ex. M. 10 was written by the petitioner's father as per the dictation of the petitioner and both signed in it. The original of Ex. M. 10 was not obtained in the house of the petitioner by threat or by force or by duress. The petioner was not threatened that unless he gives statements, he will be handed over to the police. The appeal preferred by the petitioner was dismissed by the Appellatee Authority is evidenced by Ex. M. 11. Ex. M. 11, the petitioner has requested the Appellate Authority to excuse him, proves that he is guilty of the charges levelled against him. The appeal was dismissed is borne out by Ex. M. 12. The Second Show Cause Notice was served on the petitioner is made out by Ex. M. 20. The Appellate Authodity dismissed the appeal preferred by the petitioner is substantiated by Ex. M.13. The Chief Regional Manager confirmed the order of the General Manager is borne out by Ex. M. 14. Handwriting Expert is unable to express any opinion whether the signature in the withdrawal slip is that of the petitioner, is evidenced by Ex. M. 15 and M. 26. The signature of the account holder Purushothaman was forged by Rajendran the friend of the petitioner. He stated that Rajendran is working in a hotel. The petitioner promised to return the money within 30 days and the money can be recovered from his monthly salary is established by Ex. M. 16. The Disciplinary Authority sent the original of letter, Ex. M. 25, to the handwriting expert to express his opinion is evidenced by Ex. M.25. Ex. M. 27 is the specimen handwriting of the petitioner. The petitioner was in normal state of mind when he gave statement. The petitioner requested the Enquiry Officer to postpone the domestic enquiry is proved by Ex. W.5. The Enquiry was postponed to 29-9-1983, is borne out by Ex. W 2. He signed the statement and letters fully knowing the contents. He requested the Regional Manager to furnish a copy of the letter written by him is proved by Ex. W.6. Ex. W-7 and Ex. W-8 are the circulars issued by the General Secretary. The petitioner failed to repay Rs. 720 to the bank. The signature of Purushotheman in the withdrawal slip was forged by Rajendran at the instigation of the petitioner. The petitioner fraudulently withdrew Rs. 600 from the Saving Bank A|c. of Purushothaman, and committed the offence of impersonation. Rajendran is a friend of the petitioner. The said Rajendran is a server in a hotel. The petitioner gave Rs. 100 to Rajendran The petitioner's father Pitchai Muthu is a retired clerk of the bank. The petitioner gave particulars to his father to write Exs M 16 and M 27 The petitioner wrote Ex. M.1 to Sivasubramanian. Ex M.21 is not created. The petitioner voluntarily gave the statements Ex. M. 16, M.21 and M.27 One month salary was given to the petitioner by the respondent. The copy of the petition, and the order of dismissal were served on the petitioner. The above said three things were complied with simultaneously. The domestic enquiry officer was conducted fairly and properly. The principles of natural justice, procedure prescribed by law, good conscience equity, and the provisions of the law have been complied with by the domestic enquiry officer. In the domestic enquiry conducted by him The domestic enquiry does not suffer from any infirmity. The disciplinary authority considered the past records of the petitioner The petitioner was put in notice of the past records. Prima facie case has been made out against the petitioner The domestic enquiry was conducted in accordance with the Standing Orders. The misconduct committed by the petitioner is grave in nature. The charges framed against the petitioner are properly proved and para 521(4) (i) of the Sastry Award read with 18.28 of Desai Award is proved.

6 Single sale of Second hand typewriter is not a misconduct is held in 1975 II-LLJ SC p 376 Remington Rand of India Ltd. Vs. Tahir Ali Baig and Another. Thsi decision does not apply to the facts of the present case. Money lending in the premises of business is misconduct is held in 1986 II-LLJ Karnataka High Court p95, Hindustan Aeronautics Ltd. Vs. Gulab Singh and others. Dismissal amounts to dscharge from service is held in 1985 I-LLJ Delhi High Court p. 197, Krishnan Dev Puri Vs. Union of India and others. The petitioner has committed the misconduct of Instigating Rajendran to forge the signature of account holder Purushothaman, and fraudulently obtained Rs. 8000 instead of Rs. 80 by exchange and impersonation.

By taking the above said facts into consideration this Tribunal comes to the irresistable conclusion, that the action of the Management of State Bank of India, Rajaji Salai, Madras in terminating the services of Shri Joseph Jayaseelan, Sub-Staff with effect from 19-1-1984 is justified. The point is found against the petitioner.

In the result an award is passed dismissing the claim of the petitioner/workman. No costs.

Dated, this the 22nd day of July, 1994.

THIRU K. PONNUSWAMY, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W. 1 : Thiru Joseph Jayaseelan (Petitioner workman).

For Management:

M.W. 1 : Thiru S. V. Jayabalan.
M.W. 2 : Thiru R. Namsivayam.
M.W. 3 : Thiru V. Srinivasan.
M.W. 4 : Thiru G. Mani.
M.W.5 : Thiru K. Ramakrishnan.

DOCUMENTS MARKED

For Workman :

Ex. W-1/8-7-93 : Charge memo issued to Petitioner-workman.

Ex. W-2/20-9-83 : Letter from Enquiry Officer to the Petitioner-workman.

Ex. W-3/24-3-84 : Order of Chief Regional Manager of the Management Bank.

Ex. W-4/28-5-84 : Order of Chief Regional Manager of the Management-Bank

Ex. W-5/16-9-83 : Letter from the Petitioner-workman to the Enquiry Officer.

Ex. W-6/8-8-83 : Letter from the Petitioner-workman to the Disciplinary Authority.

Ex. W-7/5-12-83 : Circular issued by State Bank's Staff Union (Madras Circle) Madras regarding "Jungle Law" (Xerox copy).

Ex. W-8/12-12-83 : Circular issued by State Bank's Staff Union (Madras Circle) Madras regarding "The Grim Battle".

For Management :

Ex. M. 1/17-12-81 : Complaint by the Branch Manager of the Management Bank, against Thiru S. Purushothaman to the Commissioner of Police, Madras (Xerox copy).

Ex. M. 2/8-1-82 : Letter from Tvl. Karunakaran, G. Mani and G. Pankajaraj to the Management Bank (Xerox copy).

Ex. M. 3/10-3-83 : Particulars of Charges against the petitioner-workman (Xerox copy).

Ex. M. 4/10-11-83 : Proceedings of the Enquiry Officer (Xerox copy).

Ex. M. 5/8-12-83 : Proceedings of the Enquiry Officer (Xerox copy).

Ex. M. 6/8-12-93 : Proceedings of the Enquiry Officer (Xerox copy).

Ex. M. 7/9-12-83 : Proceedings of the Enquiry Officer (Xerox copy).

Ex. M. 8/14-12-83 : Prosecution brief submitted by Prosecution Official (Xerox copy).

Ex. M. 9/27-12-1983 : Report of Enquiry Officer (Xerox copy).

Ex. M. 10/19-1-84 : Personal hearing afforded to the Prosecution Official (Xerox copy).

Ex. M. 11/21-3-84 : Proceedings of the Appellate Authority (Xerox copy).

Ex. M. 12/21-3-84 : Order of the Appellate Authority (Xerox copy).

Ex. M. 13/24-3-84 Letter from Appellate Authority to the Petitioner-workman (Xerox copy).

Ex. M. 14/28-5-84 : Leter from Chief Regional Manager of the Management Bank to the Petitioner-workman (Xerox copy).

Ex. M. 15/16-5-93 : Report of Tamil Nadu Forensic Science Laboratory, Madras Xerox copy).

Ex. M. 16/27-9-82 : Letter from Petitioner-workman to the Respondent-Management.

Ex. M. 17/21-9-81 : Application to open an account by Thiru Purushothaman (Xerox copy).

Ex. M. 18/21-9-81 : Specimen signature of Thiru Purushothaman (Xerox copy).

Ex. M. 19/7-12-81 : Complaint letter from Thiru Purushothaman (Xerox copy).

Ex. M. 20/23-10-81 : Savings bank withdrawal order form for Rs. 600 (Xerox copy).

Ex. M. 21/25-9-82 : Letter from Petitioner-workman to Thiru J. Sivasubramanian, Clerk (Xerox copy).

Ex. M. 22/25-9-82 : Letter from Thiru J. Sivasubramanian, Clerk to the Respondent-Bank (Xerox xcopy).

Ex. M. 23/23-9-82 : Savings Bank withdrawal order form for Rs. 400.

Ex. M. 24/23-9-82 : Savings Bank withdrawal order form for Rs. 80.

Ex. M. 25/23-9-82 : Letter from Respondent-Bank to the Director, Tamil Nadu Forensic Science and Chemical Laboratory Madras.

Ex. M. 26/16-5-93 : Reply letter from the Director & Chemical Examiner to the Government, Tamil Nadu Forensic Science Laboratory, Madras-4 to respondent-bank.

Ex. M. 27/6-10-82 : Letter from the Petitioner-worker to the Respondent-Bank.

नई दिल्ली, 26 अगस्त, 1994

का.आ. 2489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-94 को प्राप्त हुआ था ।

[संख्या एल-12012/146/90-आई आर (बी-2)]

बी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 26th August, 1994

S.O. 2489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 26-8-94.

[No. L-12012/146/90-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

EXH—19

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/15 of 1990

Employers in relation to the Management of

Bank of Baroda

AND

Their Workmen

APPEARANCES :

For the Employers—Mr. L. L. D'Souza Representative

For the workmen—Mr. Nitin R. Bodke Advocate.

INDUSTRY : Banking STATE : Goa

Bombay, dated 10th August, 1994

1. Mr. M. W. Joshi, the workman was appointed in December 1972 on a temporary basis in the Employment of Bank of Baroda, the employer. Initially the service was purely temporary. His services were confirmed in 1973 and he was posted at Anjuna Branch. He was designated as a clerk. Later on due to the excellent work of the Worker he was promoted as a Head Cashier. On one occasion an excess amount of Rs. 3,000 paid by a Customer was rturned back by the Worker. His Act was appreciated by the Management. Then he was asked to take charge at the Camurlim branch which was recently opened. Later on due to the work of the Workman he was elected as the General Secretary of the Empolyees Federation of Goa region.

2. On 15-5-1985 the Regional Manager addressed a lteter to the Workman saying that on 10-5-1985 he showed to have deposited Rs. 15,000 in the joint saving account of the Worker and his wife. Later on he withdrew the said amount on two occasions, namely on 25th April and 29th April, 1985. It is also informed that his explanation was called for. He was surprised to see that letter. The Workman approached the Branch Manager and Regional Manager thereafter and it was pointed to him that it is the mistake of the Manager and the matter will be settled.

3. On June 6, 1985 the Workman received an order from the Regional Manager placing him under suspension as discipliary proceedings were being contemplated against him. On receipt of this unwarranted order of suspension, he rushed to the Regional Manager for seeking his explanation. He was spacified and informed that due to the pressures from the Union, the action is to be taken. It was also informed by the Regional Manager that the procedural formalities of conducting disciplinary proceedings will be conducted and that the Workman should unconditionally plead guilty to all charges which will be setforth in the chargesheet which would be eventually served on him. It was also given to understand that after completion of the procedural formalities he would be issued a warning and he would be forgiven. The Workman fell ill due to unforeseen developments and lost temporariiy the capability of reasoning and proper judgment. After receiving the chargesheet he was represented by Mr. R. G. Naik, General Secretary of the Union in the proceedings. The General Secretary also advised the Workman in consultation with the All India Federation to plead guilty. The Workman in total confused state of mind gave in writing admitting his guilt though he had even not understood all the charges against him and prayed for forgiveness. The Enquiry Officer did not explain the charges levelled against him, nor he confirmed that the pleading of guilt is voluntary. It is submitted that due to the undue influence of the Management and force of the General Secretary, and the Federation he pleaded guilty. It is averred that the enquiry which was held against him was not proper and the rules of naturla justice were not followed. It is averted that the confession which is given by the worman was not proper. and the conclusion drawn on its basis are incorrect.

4. The Enquiry Officer after receipt of the confession of the Worker came to the conclusion that all the charges levelled against the Worker are proved. Ultimately a show cause notice was given to the Worker informing that why he should not be terminated from the services. Later on he was terminated his appeal failed. He therefore made a reference to the Government of India and raised an Industrial dispute which in term was sent to this Court by the Ministry of Labour for adjudication, in the following term :

> "Whether the action of the management of Bank of Baroda, Regional Office, Panaji, Goa, in dismissing the services of Shri M. W. Joshi w.e.f 29-5-86 is justified? If not, to what relief the said workman is entitled to ?"

5. The Management denied the contentions taken by the Worker and ascertained that the enquiry was properly held. The worker pleaded guilty to the charges levelled against him. It is denied that the Management or the General Secretary used undue influence or force on the Worker to plead guilty in the matter. It is averred that the order passed by the Management is perfectly legal and proper.

6. My Learned Predecessor framed issues at Exh. 6 on February 8, 1993 he passed the order directing to treat the issues 1 & 2 as preliminary issues. The issues and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether the Workman proves that the Regional Manager of the Bank and the General Secretary of the Federation and induced him| forced him to pled guilty to the charge and hence, he placed guilty to the charge?	YES
2. Does he prove that the enquiry held against him, was not held properly, and the rules of natural justice were not followed.	YES

REASONS

7. To Bolster up the case the Workman has examined himself. So far as the Management side is concerned no oral evidence was lead. Mr. M. W. Joshi affirmed that after receipt of the letter dated 16th May, 1985, the approacfied the Branch Manager. The Branch Manager informed him that he had deposited Rs. 15,000 on 10-5-1985 and its withdrawal on 24-4-1985 & 29-4-1985, there was in fact no deposit at all. In that letter here was no name of the complainant. He affirmed that he approached the Branch Manager and asked his opinion, who was aware of the facts and circumstances. He then approached the Regional Manager and showed him the discrepencies in the letter. The Manager was satisfied of he intention of the Applicant and informed him that the Brach Manager will be informed accordingly. He was also informed that the Branch Manager had accepted that the Acts were done at his instance and that was his moral responsibility. He also affirmed that he was requested not to make further and about the same.

8. Mr. Joshi affirmed that he was informed by theRegional Manager that he should accept the charges unconditionally and plead guilty to all of them and after completion of the formalities a warning would be issued to him and he would be

forgiven. So far as this assertion of Joshi is concerned in the cross examination there is no reference. In other words it has to be said it goes unchallenged.

9. He has also affirmed that the General Secretary i.e. his representative, after consulting the General Secretary of All India Federation as well as the Regional Manager advised him to plead guilty to the charges and assured that the Regional Manager would definitely keep up his promise as regards the promotion and the place of his posting. It can be further seen that in the cross examination of Mr. Joshi there is no reference to it nor there is any suggestion to the effect that he has falsely made these arguments in his evidence. As this is so it is to be accepted as correct one.

10. The Workman was charged having different charges on him namely:

(a) That on 6th April, 1985 the Workman had made a fictitious credit entry for Rs 15,000 in Savings Bank A|c No. 160 operated jointly by the Workman and his wife at Bank's Camurlin Branch and the Workman authenticated the above entry by forging the initials of Mr. S. P. Shenai, Manager of Camurlin branch.

(b) that on 26th April, 1985 the Workman had withdrawn Rs. 12,000 by cheque No. 0557562 from the said account against the fraudulent credit made by him as stated above.

(c) that the workman had further withdrawn Rs. 3,000 on 29th April, 1985 from the stid account by a withdrawal slip signed by the workman against the fraudulent credit entry made by the workman as stated hereinabove.

(d) that the workman subsequendly cancelled all the above entries stated at clauses a, b and c above and tampered with the initials of Mr. Shet and Mr. Shenai earlier forged by the Workman and thereby off-setting the effects of the above stated three fraudulent entries.

(e) that the workman also tampered with the balance books and other records in an attempt to conceal his fraudulent acts.

(f) that on detection of the above acts of the workman, the workman depsited a sum of Rs. 15,000 at Camurli branch on 10th May 1985 to reimburse the fradulent withdrawals.

11. The Workman was represented by Mr. Naik. It is contended on behalf of the Workman that he was not authorised to do so. I am not inclined to acept this submission. it is in the claim of the Workman and in the documents which are in the record, which clearly suggest that there was a representative to the Workman. It is not in dispute that at any time the Workman was not present at the time of Enquiry. So far as his confession is concerned it is worth to reproduce the material portion. It is at Exh. 12|4. It is mentioned therein that the enquiry had to postpone on medical ground and specifically it was postponed as per the evidence of the representative. It means that the Workman was not well on many occasions when the enquiry was adjourned. Under such circumstance it would have been proper for the Enquiry Officer to ascertain from the Workman i.e. the delinquint whether actually he accepts the charges levelled against him or he had given that letter in frustration or not understanding its complications.

12. Looking to the above para it is very clear that he tried to re-collect some of the things mentioned in the charge-sheet and in due course realised the mistake committed by him. He then mentioned that he accepts the charges unconditionally. I have already mentioned above that in all there are six heads relating to the charge against the Workman. It is necessary that there should have been aspecific contention on behalf of the Workman for coming to the conclusion that he had accepted guilt for every charge. Looking to the... letter of plead of guilt dated 20-11-1985 it is difficult to accept that the Workman accepted the guilt of all the charges. The Enquiry Officer had concluded that all the charges are proved against the Workman in view of the letter dated 20-11-1985. Looking to the non-appearance of the workman at a relevant time, his sickness in natural course, it was necessary for the Enquiry Officer to call the Workman at the time of enquiry to ascertain whether he accepts the guilt for all the charges. As he had not done so I find that the enquiry is not just and proper.

13. For all these reasons I come to the conclusion that the Regional Manager of the Bank and the General Secretary of the Federation had induced or forced the Workman to plead guilty of the charge and hence he pleaded the same. I have come to the conclusion that the rules of natural justice were not followed at the time of enquiry.

S. B. PANSE, Presiding Officer

नई दिल्ली, 30 अगस्त, 1994

का. आ. 2490 :—यतः मैसर्स ओसीनिक शिपिंग एजेन्सी प्राईवेट लिमिटेड, दारबशाह हाऊस, पहली मंजिल, शरजी बल्लभ दास मार्ग, बैलर्ड एस्टेट, पोस्ट बाक्स नं. 1532, बम्बई—400038, (इसके आगे जहां कहीं भी उक्त स्थापना शब्द का प्रयोग हो, इससे अभिप्रायः उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट) की धारा 17 की उपधारा (1) के खण्ड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहां कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के सम्बन्ध में उक्त अधिनियम और उसके अधीन सृजित स्कीम के अन्तर्गत देय अंशदान के दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान का दर किसी समय भी कम न होगा।

3. पेशगियों के मामले में छूट प्राप्त स्थापना को स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगा।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बगैर नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है वहां अपनी अनुमति से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2 (घ) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरंत सदस्य बनाएगा और ऐसे कर्मचार के पिछले-नियोक्ता के पास भविष्य -निधि लेखे में संचयों को अंतरित कराने और उसके लेखे में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो समय-समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषों के लिए कर्मचारी भविष्य निधि संगठन के उत्तर-दायी होगा।

9. तथा 10. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त या उसके द्वारा अधिकृत किसी अधिकारी द्वारा समय समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेंगे। न्यास बोर्डों द्वारा रखे गये भविष्य निधि लेखों की लेखा परीक्षा वार्षिक रूप से योग्य सनदी लेखपाल द्वारा स्वतन्त्र रूप से की जायेगी। जहां भी आव-श्यक होगा केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों की दुबारा लेखा-परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखापरीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती हैं।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निदेणों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियंत्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-ब्यौरा रजिस्टर तैयार करेगा और ब्याज और विमोचन आय की समय पर वसूली सुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित ब्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुकें कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जायेगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखे में ब्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करें परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण लूट-घसूट, ख्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 को शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के. भ. नि. नियमों में किसी बात के होते हुए भी सेवानिवृत्त होने अथवा किसी अन्य स्थापना में रोजगार लगने के परिणामस्वरूप किसी व्यक्ति के निधि की सदस्यता न रहने पर यदि यह देखने में आता है कि स्थापना के भ. नि. नियमों के अन्तर्गत अंशदान की दर, जब्ती आदि की दर, सांविधिक स्कीम की दरों की तुलना में कम अनुकूल हैं तो उस का अंतर नियोक्ता द्वारा दिया जाएगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से सम्बन्धित सभी खर्चे जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना को चालू छूट पर और शर्तें लगा सकती हैं।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती हैं, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना को स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक से उल्लंघन पर छूट रद्द की जा सकती हैं।

[संख्या एस—35015/11/93-एस. एस.-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 30th August, 1994

S.O. 2490.—Whereas Messrs. Oceanic Shipping Agent Pvt. Ltd. Darabshaw House, 1st Floor Shoorji Vallabhdas Marg, Ballard Estate, Post Box No. 1532, Bombay-400 038 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed here to the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said Scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. The employer shall not however make any other amendment in its P.F. rules without the approval of Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2(f) of the said Act who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the provident fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incured shall be borne by the employer.

11. A copy to the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest for any delay in payment of the establishment is liable in similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of accounts to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employees. Those pass book shall remain in the custody of the employees and will be brought uptodate by the Board on presentation by the employees.

19. The accounts of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be cause to the Provident Fund due to theft, burglary, defalcation mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribed from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees' contribution in cases where on employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amount so forfeited prior to 1-1-90 utilise by the B.O.T. for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the ceasation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the provident fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended there to alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The appropriate Government may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29 The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015/11/93-SS.II]

S. P. SHUKLA, Under Secy.

नई दिल्ली, 30 अगस्त, 1994

का.आ. 2491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्टरनेशनल एयर पोर्ट अथारिटी आफ इंडिया के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-08-94 को प्राप्त हुआ था।

[संख्या : एल-11012/18/90-आई आर (विविध)]

बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 30th August, 1994

S.O. 2491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India and their workmen, which was received by the Central Government on 30-8-1994.

[No. L-11012/18/90-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Present :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/19 OF 1991

Employers in relation to the management of The International Airport Authority of India

AND

Their Workmen

Appearances :

For the Employers : Mr. Shamrao S. Patil, Advocate.

For the Workmen : No Appearance.

INDUSTRY : Civil Aviation STATE : Bombay

Bombay, dated 11th August, 1994

AWARD

1. The Government of India, Ministry of Labour, New Delhi, by its letter No. L-11012/18/90-IR(Misc.) dated 5th April, 1991 had referred the following Industrial dispute for adjudication :

"Whether the management of International Airport Authority of India, Bombay Airport, Bombay, were justified in depriving the revised upgraded pay scale of Rs. 685-1520, when they could upgrade 5 permanent post of Drivers-including JCB Operators to Sri Subrati Khan, Driver, (JCB Excavator Operator)-as per order no. 1/58 dated 5-1-88 ? If not, to what relief is the Workman entitled to ?"

2. The Union by its Secretary Mr. C. D. Khapane, filed statement of claim contending that the action of the Management is not proper. It is averred that while upgrading five five permanent post of Drivers the claims of Sri Subrati Khan was not considered, it is without any justification. Sri Subrati Khan was entitled to upgradation due to his appointment, his seniority and his work.

3. The Management by its written statement at (Exh. M/3) denied the claim of the Applicant in toto. It is averred that their action is perfectly legal and proper.

4. My predecessor framed issues at Exh. 4. The issues and my findings thereon are as follows :

	ISSUES	FINDINGS
1.	Whether the management of International Airport Authority of India, Bombay Airport, Bombay, were justified in depriving the revised upgraded pay-scale of Rs. 685-1520, when they could upgrade 5 permanent post of Drivers-including JCB operators to Sri Subrati Khan, Driver, (JCB Excavator Operator)-as per order No. 1/58, dated 5-1-1988 ?	YES
2.	If not, to what relief is the workman entitled ?	Does not arise
3.	What Award	As per order

REASONS

5. When the matter was for hearing, he remained absent. He remained absent for several times. Registered notices were sent to him but he could not be served, as was not in the given address. Notice was also sent to the Advocate Mr. Oza, but it also came back. Under such circumstance it appears that the Workman concerned does not want to proceed with the matter. The result is that the action of the Management is said to be correct one. Hence I record my findings on the points accordingly and pass the following order :

ORDER

1. The Management of International Airport Authority of India, Bombay Airport, Bombay, were justified in depriving the revised upgraded pay scale of Rs. 685-1520 when they could upgrade 5 permanent post of Drivers-including JCB Operators to Sri Subrati Khan, Driver, (JCB Excavator Operator)-as per order No. 1/58 dated 5-1-88.

No orders as to cost.

Sd/-

S. B. PANSE, Presiding Officer

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा व्यास मैनेजमेंट बोर्ड के प्रबंधतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-94 को प्राप्त हुआ था।

[संख्या : एल-42012/143/88-डी-2(बी)/सी-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on the 30-8-94.

[No. L-42012/143/88.D.2(B)/C.II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 175/89

Avtar Singh Vs. Bhakra Beas Management Board.

For the workman : Shri R. K. Singh.

For the management : Shri C. L. Sarin.

AWARD

In the wake of industrial dispute raised by Avtar Singh workman of Bhakra Beas Management Board in pursuance of letter No. L-42012/143/88-D.2 dated 23rd October, 1989, the Central Govt. has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB in not giving opportunity of re-employment to Shri Avtar Singh w.e.f. 20-4-1984 is just and fair. If not to what relief the workman is entitled to and from what date ?"

2. The workman has filed the statement of claim through General Secretary, Nangal Bhakra Mazdoor Sangh, Nangal Township inter-alia pleading that workman joined the services of respondent Board in the work charged capacity w.e.f. 18-3-1983 alongwith Sarvshri Jit Singh and Harbilas, as mixture operator in Bhakra Spillway Repair Divn. in the pay scale of Rs. 400-600. He remained employed there till 31-7-1983 when he was retrenched from the service. It is alleged that after the termination of services of workman, the management recruited one Subhkaran son of Chuhar Singh in his place alongwith other two persons who were employed with him. Case set up by the workman is that the management has employed Subhkaran w.e.f. 20-4-84 in violation of Section 25-H of Industrial Disputes Act, (hereinafter referred to as the Act), as he was never called for re-employment. According to the workman action of the management in terminating his services is illegal as the work on which the petitioner was employed is of a continuing one but he was discontinued from service just to accommodate Subhkaran without issuing any notice. On the footing of aforesaid pleadings, the workman filed the statement of claim challenging the action of the management and claimed his reinstatement w.e.f. 20-4-1984 with consequential relief of all service benefits.

3. The management contested the claim of the workman and filed written statement inter-alia pleading preliminary objection regarding the maintainability of the reference on the ground that the person appointed for specific period do not possess any right of employment, unless they pass the trade test, departmental interview as per policy and procedure of the recruiting department. The case set up by the management was that the petitioner was appointed as mixture operator for a specified period of 89 days from 13-3-1983 to 31-7-1983 alongwith Jit Singh, Pawan Kumar and Krishan Chand and their services came to an end on the expiry of specified period of employment. Regarding the employment of Subhkaran, it has been alleged by the management that he was appointed through employment exchange, while the name of the petitioner was not sponsored by the employment exchange. To my mind, it would be expedient in the interest of justice to reproduce para I of the Written Statemeent filed by the management :

> "Sometimes during 3/1983 the sinking set contrusted/ Fabricated for undertaking the repairs to stilling basin of Bhakra Spillway was launched in Spillway for trial some and to check the efficiency of undertaking repair to damaged floor of the spillway. Although the actual repair work could start only after 11/83, the management was keen to undertake the trial working of the Sinking Set as the repair under 26 meter of standing water was undertaken by BBMB for the first time and the application of the technology using phneumatic caseion in this case was also a new to all the establishment, Naturally, the suitability of the scheme had to be checked before undertaking and applying the scheme on larger basis. Naturally for the purpose we needed the services of Mixer operator. Since their normal recruitment through Employment Exchange would have taken about two months and as the department had no time available the recruitment was proposed to be met on specified period appointment whereas the long time requirement was met with through proper notification to Employment Exchange as required under compulsory notification of vacancies act."

It would not be out of place to mention here that the management has stoutly denied the other allegations of the workman in its written statement. That being so, the management prayed for the dismissal of the claim of the workman.

4. Controverting the allegation of the written statement and reiterating the pleadings contained in the statement of claim, the workman filed the replication.

5. The workman, in order to substantiate his claim appeared as his own witness as WW1 who has also tendered in evidence his affidavit Ex. W1. The management, in order to rebutt the evidence brought on record by the workman, examined Gurbachan Singh Senior Asstt. BSR Division Nangal as MW1 who has also filed his affidavit Ex. M-1 and appointment letter Ex. M2.

6. I have heard representatives of both the parties and have gone through the evidence on record.

7. As indicated earlier, case set up by the workman in brief in so far as relevant is that his services were illegally terminated in violation of Section 25-H of the Act and he is entitled for re-instatement; While on the other hand case set up by the management is that workman was appointed for specific period w.e.f. 18-3-1983 to 31-7-1983 in spillway division for trial as a mixture operator in order to check the efficiency of undertaking repair of damaged floor of spillway and the work was to be commissioned after November 1983. Now the short and significant question though important arises for determination in this case is whether the workman is entitled to any relief as contemplated U/S 25-H of the Act and the action of the management in not giving him the opportunity of re-employment is just and fair. Section 25-H of the Act postulates that where any workmen are retrenched and the employer proposes to take into his employment any person, he shall in such manner as may be prescribed give an opportunity to the retrenched workmen to offer themselves for re-employment and such retrenched workmen who offer themselves for re-employment shall have preference over other persons.

8. Now the next question falls for determinatein is whether petitioner comes under the definition of retrenched person. Chapter A of the Act deals with retrenchment. Section 25-B of the Act defines the word of continuous service to mean that the workman should be in continuous service for the period of 240 days during the period of 12 calendar months preceding the date of his termination. Admittedly the petitioner did not work for 240 days and as mentioned above he has only worked from 18-3-1983 to 31-7-1983. The bare perusal of appointment letter Ex. M2 would go to show that petition was appointed for fixed period of 89 days in Bhakra Spillway repair division. Thus, it would be seen that the appointment of the petitioner was for a specified period and his period was neither renewed nor he had completed 240 days of continuous service as mentioned above. The contention of the representative that the workman is entitled for reinstatement is neither tenable nor the judgement cited by him in Nawanshahr Ceetral Cooperative Bank Ltd. Vs. Labour Court, Jalandhar and another reported in Vol. 57 F.J.R. page 206, is applicable to the facts and circumstances of the present case. In that case it had not been disputed that workmna (Mohan Singh Malhi) was a retrenchee. Furthermore in that case the workman who was appointed as clark had challenged the order of termination on the ground that no notice was given to him in accordance with Section 22 of the Punjab Shops and Commercial Establishment Act, 1958. On the peculiar facts of that case it was observed that workman is not entitled to reinstatement on the ground of non-compliance of provisions of Punjab Shops & Commercial Establishment Act, 1958. The other arguments of the representative of the workman that petitioner was a workman as defined under the Act and is entitled for reinstatement, is again devoid of merits. It may be true that the petitioner was a workman, but to my mind he may be workman for the purpose of other provisions of the Act and not for the purpose of Chapter VI of the Act which deals with retrenchment. Admittedly the present workman had not completed 240 days of continuous service as contemplated U/S 25-B of the Act, so in this view of the matter he can not invoke the provisions of Section 25-H of the Act as claimed by him.

9. The representative of the management has rightly argued that since the workman had not put in 240 days of service he is not entitled to any relief under the provisions the Act because now it is well recognised that the 'industrial workers' who do not complete 240 days of service have no industrial rights under the Act and cannot therefore, avail of the machinery provided under the Act for the settlement of their dispute. The policy of the Act draws a distinction between those with the service of 240 days or more and other with less. Reliance in this regard can be placed on the judgment of Hon'ble Punjab and Haryana

High Court in Karnal Central Co-operative Bank Ltd. Vs. Presiding Officer Labour Court Rohtak reported in 1994 Vol. I.P.L.R. page 310. It has been authoritatively held in the said judgement that it was not necessary for the management to comply with the provisions of Section 25 H of the Act before dispensing with the services of the workman as he admittedly had less than 240 days of service. Thus it would be seen that the judgement relied upon by the representative of the workman in Nawanshahr Central Co-operative Bank Ltd. Vs. Labour Court, Jalandhar and another (Supra) would not come to his rescue. On the other hand Judgement in Karnal Central Co-operative Bank Ltd. Vs. Presiding Officer Labour Court Rohtak (Supra) is the complete answer to the problem in hand.

10. In the light of aforesaid reasons, it is held that since the workman had not completed 240 days and he can not be termed as a retrenchee so he is not entitled to any benefits of re-employment and the action of the management of Bhakra Beas Management Board in not illegal and he is not entitled to any relief what-so-ever. Consequently the reference is declined. The award be submitted to the Appropriate Government.

Chandigarh.
10-8-1994

M. S. SULLAR, Presiding Officer

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, कोटा के प्रबंधतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-94 को प्राप्त हुआ था।

[संख्या : एल-41011/1/91-आई.आर. (डीयू)/बी-I]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Kota and their workmen, which was received by Central Government on 30-8-1994.

[No. L-41011/1/91-IR (DU)/B-I]

V. K. SHARMA, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा (राज.)

निर्देश प्रकरण क्रमांक : ओ.न्या. (केन्द्रीय)-13/1991

दिनांक स्थापित : 23-9-91

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल-41011/1/91 आई.आर. (डी.यू.) दिनांक 18-9-91

औद्योगिक विवाद अधिनियम, 1947

मध्य

डिविजनल सैक्रेट्री, पश्चिम रेलवे कर्मचारी परिषद, कोटा जंक्शन, कोटा।

—प्रार्थी यूनियन

एवं

डिविजिनल रेलवे मैनेजर, वैस्टर्न रेलवे, कोटा।

प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,

आर.एस.जे.एस.

प्रार्थी यूनियन की ओर से प्रतिनिधि : श्री ए.डी. ग्रोवर

प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री रामनिवास (विधि सहायक)

अधिनिर्णय दिनांक : 5 अगस्त, 1994

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम, 1947" से सम्बोधित किया जायेगा) की धारा 10(1)(घ) व उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of AEN, Swaimadhopur in terminating the services of S|Shri Vinod Kumar Chitar Narain, Moti Ram, Mukhtar and Akhtar, T. S. Gangmen under P.W.-I (CTR), Sawaimadhopur is justified ? If not, what relief the concerned workmen are entitled to and from what date ?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी।

3. प्रस्तुत निर्देश कुल 5 श्रमिक सर्वश्री विनोदकुमार, छीतर नारायण, मोतीराम पुत्र राधाकिशन, मुख्तार एवं अख्तर के सेवा सम्बन्धी विवाद के सम्बन्ध में अधिनिर्णयार्थ प्राप्त हुआ है, परन्तु प्रार्थी यूनियन की ओर से क्लेम प्रस्तुत कर केवल श्रमिकगण विनोदकुमार व मोतीराम पुत्र राधाकिशन के सम्बन्ध में ही पैरवी करना अंकित किया गया है व अन्य के लिए यह प्रकट किया गया है कि उन्होंने अन्य न्यायालय में कार्यवाही की है इसलिए वे उक्त निर्देश अन्य के लिए प्रैस नहीं करते। अतः, अब, इस अधिनिर्णय के अन्तर्गत केवल श्रमिक विनोदकुमार व मोतीराम पुत्र राधाकिशन के मामले पर ही विवेचन किया जाएगा।

4. प्रार्थी यूनियन की ओर से क्लेम स्टेटमेन्ट में श्रमिक विनोद कुमार को दि. 1-7-84 को व श्रमिक मोती पुत्र राधाकिशन को दिनांक 22-2-84 प्रतिपक्षी नियोजक द्वारा भरती किया जाना अंकित किया है जिन्हें क्रमशः दि. 12-7-85 व 20-2-85 को अस्थाई बर्जा दिया जाना व सन् 1990 में इनकी नौकरी समाप्त करना बतलाया गया है। प्रार्थी श्रमिकगण ने सन 1984 से लगातार प्रतिपक्षी के यहां नौकरी की परन्तु उन्हें बिना कोई नोटिस दिए हुए व जांच नियमानुसार नहीं करते हुए नौकरी से हटाया गया।

प्रार्थीगण को छंटनी का कोई मुआवजा नहीं दिया गया व नौकरी से हटाने के पूर्व उनको जो सजा दी गयी उसका भी कोई नोटिस दिया जाकर सुनवाई नहीं की गयी, अतः प्रार्थीगण को पुनः नौकरी पर लिया जाए ।

5. प्रतिपक्षी पक्ष की ओर से प्रार्थीगण के क्लेम का विरोध करते हुए जवाब में कहा गया है कि प्रार्थीगण को जाली कार्ड व प्रविष्टियों के आधार पर रेलवे सेवा से हटाया गया । दि. 15-7-81 से 14-10-81 तक की सेवाओं को सत्यापित करने के लिए जांच करवायी गयी तो बताया गया कि प्रार्थी श्रमिक विनोद कुमार ने वाटर टाईट/मानसून में कोई कार्य नहीं किया और न ही इस कार्यालय द्वारा कार्ड नं. 102505 जारी किया गया इसलिए सक्षम अधिकारी द्वारा प्रार्थी विनोद कुमार के खिलाफ निर्देशानुसार अनुशासन एवं अपील नियमों के तहत कार्यवाही की गयी तथा रेल पथ निरीक्षक, इन्द्रगढ़ को जांच अधिकारी नियुक्त किया गया । प्रार्थी को अपना पक्ष प्रस्तुत करने के लिए पूर्ण अवसर दिया गया परन्तु प्रार्थी व उसके बचाव सलाहकार ने जानबूझकर भाग नहीं लिया । प्रशासन ने उन्हें समय-समय पर सूचना दी परन्तु कार्ड की सत्यता के लिए कोई साक्ष्य प्रस्तुत नहीं की गयी इसलिए प्रार्थी के विरुद्ध नियमानुसार कार्यवाही की गयी । इस प्रकार श्रमिक प्रार्थी मोती पुत्र राधाकिशन के द्वारा भी रेलवे कार्ड बोगस एवं प्रविष्टियां गलत प्रस्तुत की गयी जिसकी प्रविष्टियों की भी सत्यता की जांच करवायी गयी तो उप मुख्य इंजीनियर (स. नि.) रतलाम द्वारा अपने पत्र दि. यू. एन. डी./ए./615/1 दि. 5-5-86 के जरिए रेल पथ निरीक्षक, सवाईमाधोपुर को यह बताया गया कि उक्त मोती-राधाकिशन नाम का कोई व्यक्ति इस कार्यालय में कार्यरत नहीं था, ये कार्ड संदिग्ध प्रतीत होते हैं, ये कार्ड यहां से नहीं बनाए गए । इसके फलस्वरूप मोती-राधाकिशन के खिलाफ भी नियमानुसार अनुशासन एवं अपील नियमों के तहत कार्यवाही की गयी । इसके केस में भी रेल पथ निरीक्षक, लाखेरी को जांच अधिकारी नियुक्त किया गया । जांच अधिकारी द्वारा प्रार्थी मोती के विरुद्ध लगाए गए आरोप की सत्यता के बारे में अपना पक्ष प्रस्तुत करने का पूर्ण अवसर दिया गया किन्तु कार्ड व प्रविष्टियों की सत्यता आदि के बारे में कोई साक्ष्य प्रस्तुत नहीं की गयी जिसके फलस्वरूप कार्यालय द्वारा एन. आई. सी. दि. 28/8/90 को भेजी गयी जो प्राप्त नहीं की गयी और उसे भी नोटिस बोर्ड पर लगा दिया गया । इस प्रकार नियमानुसार कार्यवाही करके उक्त दोनों प्रार्थीगण श्रमिकों की सेवायें समाप्त की गयी । यह भी कहा गया कि यह प्रकरण चूंकि बोगस सर्विस कार्ड के आधार पर नौकरी प्राप्त करने का है इसलिए प्रार्थीगण श्रमिक किसी प्रकार का कोई मुआवजा या अन्य अनुतोष प्राप्त करने के अधिकारी नहीं है ।

6. प्रार्थी विनोद कुमार ने अपनी जिरह में कहा है कि मैंने प्रदर्श एम. 1 कार्ड भरती के समय पेश नहीं किया । यह गलत है कि प्रदर्श एम. 1 कार्ड पर मैंने यह झूंठी इबारत लिखी हो कि मैंने 15-7-81 से 14/10/81 तक मानसून सत्र में सी. टी. एक्स. आर. कोटा के यहां काम किया था । मेरे खिलाफ जांच अधिकारी नियुक्त किया गया था जिसमें 15/11/88 तारीख थी । यह पत्र मुझे 29/10/88 को मिला था, मैं इन्द्रगढ़ जांच में बराबर उपस्थित रहा । दि. 4-2-89 को मैं उपस्थित हुआ परन्तु उस दिन की तारीख की सूचना मेरे बचाव प्रतिनिधि को नहीं दी और न ही 30-9-89 की मुझे लिखित में सूचना दी गयी इसलिए मेरे बचाव प्रतिनिधि नहीं आए । मेजर पेनल्टी की चार्जशीट मुझे दी गयी थी परन्तु कागजात नहीं दिए गए । इसी प्रकार प्रार्थी श्रमिक मोती-राधाकिशन से भी नियोजक के विद्वान प्रतिनिधि ने जिरह की है जिसमें उसने भी प्रदर्श एम. 1 कार्ड पर झूंठी प्रविष्टियां दिखाने से इन्कार किया है । वह जांच अधिकारी के समक्ष उपस्थित हुआ । उसने मेजर पेनल्टी की चार्जशीट प्राप्त होना कहा है परन्तु जांच अधिकारी द्वारा समय पर सूचित नहीं करना कहा है, अतः कार्यवाही सही नहीं की गयी ।

7. प्रतिपक्षी की ओर से मित्रासिंह का शपथ-पत्र प्रस्तुत किया गया है जिसने जांच अधिकारी द्वारा सही कार्यवाही करना बतलाया है ।

8. मैंने बहस सुनी व पत्रावली का अवलोकन किया । प्रार्थीगण के विद्वान प्रतिनिधि ने मुख्य रूप से यह बहस की है कि चार्जशीट पर हस्ताक्षर सहायक अभियन्ता ने किये है जो सक्षम नहीं था । प्रार्थीगण ने जो कार्ड प्रतिपक्षी के यहां पेश किये हैं व मनी-वेल्यू के थे । प्रार्थीगण के खिलाफ जो जांच की गयी वह सही नहीं की गयी । उन्हें आरोपों से आरोपित करने से पूर्व नोटिस नहीं दिया गया । अतः प्रार्थीगण के खिलाफ की गयी कार्यवाही गैरकानूनी है जिसे अपास्त किया जाये । प्रतिपक्षीगण की ओर से उक्त बहस का जवाब देते हुए कहा गया है कि यह मामला प्रार्थीगण द्वारा बोगस कार्ड एवं फरजी प्रविष्टियां करवाकर नौकरी प्राप्त करने का है । विद्वान प्रतिनिधि प्रतिपक्षी ने यह भी बहस की है कि प्रार्थीगण के पास ऐसा कोई साक्ष्य हो तो वे इस समय न्यायालय को भी यह बतला दे कि उन्होंने पूर्व में जो रेलवे विभाग में कार्य किया है वह सही किया है तो उन्हें कोई आपत्ति नहीं है । वास्तव में प्रार्थीगण की ओर से बोगस कार्ड में फरजी प्रविष्टियां करवाकर रेलवे प्रशासन को धोखा देकर नौकरी प्राप्त की गयी । जब यह मामला प्रतिपक्षी के ज्ञान में आया उस समय ही सम्बन्धित अधिकारियों से प्रार्थीगण के कार्ड की एवं उनकी प्रविष्टियों की जांच करवायी गयी तो दोनों ही मामले फरजी पाये गये इस कारण प्रार्थीगण के विरुद्ध नियमानुसार कार्यवाही की गयी और उन्हें सुनने का पूर्ण अवसर दिया गया । चूंकि प्रार्थीगण के पास स्पष्टीकरण नहीं था इसलिए उनका यह कथन कि उन्हें नौकरी से गलत हटाया गया, सही नहीं है । प्रार्थीगण के खिलाफ सक्षम अधिकारी ने कार्यवाही की है, केवल मात्र रेलवे विभाग द्वारा

किसी कार्ड का मूल्य चार्ज करने से यह नहीं माना जा सकता कि वे सही है । प्रतिपक्षी के जांच अधिकारी ने प्रार्थीगण को बचाव का पूर्ण मौका दिया एवं नियमानुसार कार्यवाही करके उन्हें सेवा से पृथक किया गया, अतः वे किसी प्रकार के अनुतोष के अधिकारी नहीं है ।

9. प्रार्थीगण के विद्वान प्रतिनिधि ने जहां तक बोगस कार्ड व फरजी प्रविष्टियां करने का प्रश्न है, के बारे में कोई स्पष्टीकरण नहीं दिया । उनका केवल मात्र यह कथन कि प्रार्थीगण की ओर से मूल्य देकर कार्ड भेजे गये हैं इसलिए कार्ड फरजी नहीं हो सकते, माने जाने योग्य नहीं है, विशेष रूप से ऐसी स्थिति में जबकि प्रार्थीगण के द्वारा बोगस कार्ड व प्रविष्टियों के बारे में, यदि उन्होंने वास्तव में पूर्व में कार्य किया तो स्पष्टीकरण न्यायालय में भी दे सकते थे जो उन्होंने नहीं दिया, बल्कि विद्वान प्रतिनिधि प्रार्थीगण ने प्रतिपक्षी द्वारा की गयी जांच पर ही विशेष रूप से आपत्ति की है । प्रार्थीगण के विरुद्ध नियमानुसार जांच की गयी । प्रार्थीगण ने चार्जशीट प्राप्त होना व सुनवाई का अवसर देना स्वीकार किया है । पेनल्टी देने से पूर्व भी प्रार्थीगण को नोटिस दिये गये और उसके द्वारा नोटिस लेने से मना करने पर नोटिस नोटिस बोर्ड पर चस्पा किये गये । अतः पत्रावली के अवलोकन से यह स्पष्ट है कि प्रार्थीगण विनोद कुमार व मोती-राधाकिशन की ए. ई. एन. सवाईमाधोपुर, रेलवे विभाग द्वारा जो सेवायें समाप्त की गयी वह गैरकानूनी नहीं है, फलस्वरूप प्रार्थीगण कोई अनुतोष प्राप्त करने के अधिकारी नहीं पाये जाते ।

10. उपरोक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि ए. इ. एन. सवाई-माधोपुर, रेलवे विभाग द्वारा प्रार्थीगण विनोद कुमार व मोतीराम (मोती-राधाकिशन) की जो सेवायें समाप्त की गयी वह गैरकानूनी नहीं है, फलस्वरूप को प्रार्थीगण कोई अनुतोष प्राप्त करने के अधिकारी नहीं है ।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे ।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 31 अगस्त, 1994

का. आ. 2494—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, बम्बई के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-94 को प्राप्त हुआ था ।

[संख्या एल-41011/18/91-डी-2(बी)बी.1)]

वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Bombay and their workmen, which was received by the Central Government on 31-8-1994.

[No. L-41011/18/91-D.II (B)/B-I]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Reference (ITC) No. 74 of 1991

ADJUDICATION

BETWEEN

Western Railway, Bombay — First Party.

AND

The workmen employed under it — Second Party.

In the matter of special leave and other privileges to the members of Paschim Railway Karamchari Parishad.

APPEARANCES :

Shri H. B. Shah, Advocate—for the First Party.

Shri S. B. Nigam, Zonal Secretary—for the Second Party.

AWARD

This industrial dispute between the management of Western Railway, Bombay and their workmen has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, to the Industrial Tribunal consisting of Shri N. A. Chauhan by the Government of India, Ministry of Labour's Order No. L-41011/18/91-D2 (B) dated 22-11-1991 and subsequently transferred to me by an appropriate Government Order.

2. The dispute relates to a single demand of the workmen which is as under :—

"Whether the action of the Rly. Admn. in not granting special leave and other privilege to the members of PRKP for attending conciliation proceedings/Industrial Tribunal at par with the members of recognised Trade Union is justified ?

If not, what relief the Parishad members are entitled to ?"

3. The Paschim Railway Karamchari Parishad (hereinafter referred to as 'the Union') has filed its statement of claim Ex. 5. It is alleged by the Union that it is a registered Trade Union over the Western Railway and affiliated to the Federation of Bharatiya Mazoor Sangh an All India Trade Union. The Federation of Bharatiya Mazdoor Sangh is a recognised body of the Government of India, Ministry of Labour. However, the Railway has not recognised the Union though they fulfill the conditions required for the recognition and that they have moved the Labour Commissioner for that purpose. It is further allged that there are number of disputes pending before the Conciliation Officer and before the Tribunals. The Union is actively engaged in redressal of staff grievances through correspondence, concillation proceedings and through Tribunals etc. At present the Union workers are attending the courts, tribunals etc. on their own leave. If these leave are accumulated, it can be useful in the case of need for self and family members. The Government has also started encashing leave and so if the Union workers consumed leave for the above purpose, there will be loss to them. It is further alleged that the first party is granting special leave and passes to representatives of the recognised trade union workers who attend meetings etc. This facility is not granted to the Union workers who attend the conciliation procedure for the redressal of labour grievances. The Union.

therefore, requested the first party Railway to grant the above facility. However, they have done nothing and so the Union sent their representation about it to the Dest Officer. However, no settlement was arrived at in the conciliation and, therefore, the above industrial dispute was referred to the Tribunal of Shri N. A. Chauhan for disposal according to law and that thereafter the above reference is transferred to me for disposal.

4. The First Party Railway has filed its written statement at Ex. 12. It has denied the allegations made by the Union in its Statement of claim. It has contended that the matter referred for adjudication is not an industrial dispute as defined under Section 2(qq) of the I. D. Act and, therefore, their reference is not maintainable. They further contended that the Union is not a recognised trade union on the Western Railway. Therefore, they are not entitled to any benefits and privileges. It has further contended that the Railway Boards who are having statutory obligation to grant leave has already with in consultation with the recognised union, issued notification about granting leave facilities to the representatives. The Union is not a recognised Union and, therefore, it is not entitled to the benefits of the said circular and the said circulars are not applicable to them. The special casual leave are being given only to the office-btarers and representatives of the representative trade union under the Board's letter dated 19-3-1971. The terms of the said circular are not applicable to this Union. It has, therefore, urged to dismiss the reference of the Union.

5. The parties have not led any oral evidence. They have filed purshises to that effect which are at Exhs. 18 and 19. I heard Shri S. B. Nigam appearing on behalf of the Union and Shri H. B. Shah, the learned Advocate appearing on behalf of the first party Railway.

6. Now, most of the facts are not in dispute before me. They may briefly be stated as under :—

The second party Union is a registered Trade Union in the Western Railway. It is affiliated to Bharatiya Mazdoor Sangh. The first party has not recognised the second party Union. The first party Railway had recognised the other Unions and they are given special leave and other privileges to their representatives for attending conferences etc. There are written instructions to that effect which are on record. The first party Railway has not given the above benefits to the second party Union on the ground that they are not recognised by the Railway and that they are not recognised Union. Therefore, this industrial dispute has arisen.

7. Now, the question which will arise for my determination is whether the second party Union prove that the representatives of the Union are entitled to special leave and other benefits for attending conciliation etc. at par with the members of the recognised trade union. My answer to the above question is for the reasons stated hereinbelow in the affirmative.

8. Now, the second party Union is a registered trade union which is affiliated to Bharatiya Mazdoor Sangh. The above Union is not recognised by the first party Railway and it is not a recognised Union. The first party Railway, however, has recognised other unions. The first party Railway is granting special leave and other previleges to the representatives of the recognised unions. However, these benefits are not given to the representatives of the second party Union on the ground that it is not a recognised union. Now merely because the second party Union is not a recognised by the first party Railway from that itself the representatives of this Union cannot be denied the benefits and privileges which they give to the representatives of the recognised Trade Unions. Now, it is in the hands of the first party Railway to recognise a particular union or not. They have not recognised the second party Union. However as stated earlier merely because the first party Railway has not recognised the second party Union from that itself they cannot be denied the benefits which the first party Railway is giving to the representatives of the recognised Trade Union. Therefore, the representatives of the second party Union who attends conciliation proceedings, Tribunals etc. are entitled to get benefits and privileges which the first party Railway is giving to the representatives of the recognised trade unions.

9. Now, Shri Shah, the learned Advocate appearing on behalf of the first party Railway contended tht the dispute raised by the second party Union is nto the industrial dispute and so the reference is not maintainable. Now, the Union has claimed benefits and privileges which the first party Railway is giving to the representatives of the recognised trade unions. The second party is not recognised. However, they claim these benefits and privileges for their representatives who are workmen of the first party Railway. Now, the industrial dispute is defined in Section 2(k) of the I. D. Act. It means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. Now, the dispute which is raised before me is in respect of the dispute between the employer and its workmen. It is in respect of giving benefits to the representatives of the second party Union and that these workmen are workmen of the firs party Railway. Therefore, the dispute which is raised before me is an industrial dispute. Therefore, there is no merit in the contention of Shri Shah and so it has to be rejected.

10. It is contended by Shri Shah that the dispute which is raised before this Tribunal is of natonal importance and so the same has to be decided by the National Tribunal and, therefore, this Tribunal has no jurisdiction to decide this dispute Now, it is evident from the dispute which is raised by the second party Union that it is not of a national importance. Now, the provisions regarding National Tribunal is made in Section 7-B of the I. D. Act. Section 7-B(1) which is material for our purposes reads as under :—

> "7-B(1) The Central Government may, by notification in the Official Gazette, constitute one or more National Industrial Tribunals for the adjudication of industrial disputes which, in the opinion of the Central Government, involve questions of national importance or are of such a nature that industrial establishments situated in more than one State are likely to be interested in or affected by, such disputes."

11. Now, it can be seen from the above provisions of Section 7-B that Central Government has power to constitute National Indusrial Tribunal. It is also evident from this Section that if the Central Government is of the opinion that the dispute which involves question of national importance then the Central Government may refer this dispute for adjudication to the National Tribunal. Now, the disptue which is raised by the second party Union is referred to me by the Central Government. The Central Government has not referred the said dispute to the National Tribunal. Therefore, the Central Government was not of the opinion that the dispute involved a question of national importance. Furthermore, I am also of the opinion that the question raised before me is not of a national importance. Therefore, this dispute cannot be referred for the adjudication to the National Tribunal. In view of the above, there is no merits in the above contention of Shri Shah and it is rejected. Thus, it is evident from the above discussion that the representatives of the second party Union are entitled to the benefits and privileges which the first party Railway is giving to the representatives of the recognised trade unions. The second party Union has, therefore, proved that their representatives are entitled to the benfits and privileges at par with the members of the recognised trade unions. Therefore, the reference of the second party has to be allowed. I, therefore, pass the following order :—

ORDER

The reference is allowed. The first party Railway is hereby directed to grant special leave and other privileges to the representatives of the second party Union for attending conciliation etc. at par with the members of the recognised unions. No order as to costs.

Ahmedabad,

Dated 18th August, 1994.

H. D. PANDYA, Presiding Officer

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2495. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, अहमदाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-94 को प्राप्त हुआ था।

[संख्या एल-41012/27/90-आईआर (डीयू)/बी I]
वी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Ahmedabad and their workmen, which was received by the Central Government on 31-8-1994.

[No. L-41012/27/90-IR (DU)/B-II]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 55 of 1990

ADJUDICATION

BETWEEN

Western Railway Ahmedabad .. First Party

AND

The Workmen employed under it .. Second Party

In the matter :

Whether the action of the management of Executive Engineer (C) (Special), Western Railway, Kalupur, Ahmedabad in terminating the service of Shri Madhubhai Govindbhai Rathod, Male, Beldar w.e.f. 10-9-85 is justified ? If not, what relief is the workman entitled to ?

APPEARANCES :

Shri H. B. Shah, Advocate—for the first party.

Shri Shirish Trivedi, Advocate—for the second party.

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi under his Order No. L-41012/27/90-I.R. (DU) dated 7-11-90 has referred an industrial dispute between the above parties for adjudication to this Tribunal. The dispute is whether the action of the management of Executive Engineer (C) (Special), Western Railway, Kalupur, Ahmedabad in terminating the services of Shri Madhubhai Govindbhai Rathod, Male, Beldar w.e.f. 10-9-85 is justified ? If not, what relief is the workman entitled to ?

2. The concerned workman has filed his statement of claim at Exs. 3 and 9. He alleged in his statement of claim that he was serving as Male Beldar-Khallasi in Rajkot Division of Hapa Station in Western Railway since 4-8-1972. His service was not continuous, but there was break in his service. He served from 4-8-72 to August, 1973, 6-11-78 to 10-8-79, 3-12-79 to 21-4-81 and 6-6-83 to 10-9-85. He was getting Rs. 660 per month. Then his services were terminated. He was given record of service. He further alleged that on 10-9-85 his services were terminated without giving any notice. This order was oral. He was not given any written order. When inquired he came to know that he belongs to Schedule Castes and that the benefits which he was entitled to, may not be given to him and so PW-1, Shri Kanaiyalal decided to terminate his services and so his services were terminated. He met Shri Kanaiyalal and requested him to take him back in service. However, he replied that he is not entitled to any benefits and he will not be taken back in his service. He further alleged that the workmen who were junior to him were again taken back in service and that they were also made permanent. He, therefore, complained about the above facts to the Desk Officer. However, in conciliation no settlement was arrived at and so the Desk Officer referred the above industrial dispute to the Tribunal of Shri H. R. Kamodia and subsequently this reference is transferred to me according to the law for disposal.

3. The first party—Western Railway has filed its written statement at Ex. 11. They have denied the allegations made by the workman in his statement of claim. They contended that the reference is bad for want of necessary and proper parties. They further contended that the first party is not the "employer" as defined in Section 2(g) of the I. D. Act, read with rule 2(g) of the Industrial Dispute (Central) Rules and that there is no relationship of employer and employee between the parties and, therefore, the reference is not maintainable. They further contended that in the year 1983 the work of Viramgam Okha Porbander Phase-II (for the sake of brevity "VOP") was taken up by Railway Admn. The workman was engaged as Male Beldar from 6-6-83 on the above project and this project was completed in April, 1984 but residual work was to be continued and so the concerned workman was continued till 10-9-85. The services of the workman were terminated from the work following the procedure of Section 25-F of the I. D. Act and that retrenchment compensation was also paid to him. They further contended that juniors to the workman were not made permanent as alleged. According to them, 48 casual labourers out of 72 approached the Honourable High Court of Gujarat and obtained stay order and because of the stay order they are continued. Thereafter 28 casual labourers who were senior to the workman were retrenched on 31-12-85 and 15-3-86. Out of them, 18 have approached the Court and obtained stay order. They further contended that the workman is not entitled to any reliefs and to dismiss with costs this reference.

4. The concerned workman, Shri Madhu Govindbhai Rathod is examined at Ex. 25. He had not examined any other witness. The first party-Western Railway has examined Shri Ratanlal Mothilal Parikh at Ex. 65. They also have not examined any other witness.

5. I heard Shri Trivedi appearing on behalf of the concerned workman and Shri Shah appearing on behalf of the Western Railway.

6. Now most of the facts are not in dispute before me and they may be briefly stated as under :

That the concerned workman, Shri Madhubhai Govindbhai Rathod was serving as Male Beldar Khallasi in Rajkot Division, Hapa Station Station from 4-8-72. His services were continuous but there was break in his service. He served as Khallasi for the period from 4-8-72 to August, 1973, 6-11-78 to 10-8-79, 3-12-79 to 21-4-81 and 6-6-83 to 10-9-85. Shri Rathod was given service card which is produced at Ex. 29. In the year 1983 VOP was taken-up by the Rly. and so Shri Rathod was engaged as Male Beldar from 6-6-83. The above project was completed and so on 10-9-85 the services of Shri Rathod were terminated. According to Shri Rathod he was not given any written order about the termination of his service. However, he was orally terminated. According to the first party, written order was issued to Shri Rathod terminating his services from 10-9-85. Apart from the above dispute between the parties, the fact remains that the services of Shri Rathod were terminated on 10-9-85. Shri Rathod has challenged the above termination order in this reference.

7. Now it is alleged by Shri Rathod that he was not given any notice prior to terminating his services. His services

were terminated only on the ground that he belongs to Scheduled Castes, that is why PW-1, Shri Kanaiyalal terminated his services. According to him, the termination of his service is illegal and invalid. He has further alleged that the juniors were retained in services and that they have been made permanent and, therefore, also the termination order is illegal and invalid. The first party-Western Railway has denied the above allegations. According to them, there is no relationship of employer and employee between the parties and so the reference is not maintainable. According to them, termination of services of Shri Rathod is legal and valid and, therefore, they urged to dismiss the reference.

8. In view of the above contentions of the parties, the questions which arise for my determination s whether the relationship of employer and employee is established ? If so, whether the terminaiton of service is illgal and invalid as alleged by the workman. In my opinion, there is no relationship of employer and employee between the parties and that the reference is, therfore, not maintainable. Even if the reference is maintainable then also the termination is illogal and invalid. I have come to the above conclusion for the following reasons :

REASONS

9. Now as stated earlier, Shri Rathod was serving as Male Beldar Khallasi from 4-8-72 in Rajkot Division of Hapa Station. His service was not coninuous, but there was break in his service. I have narrated about the details of his service period in my earlier portion of this order and so I do not repeat the same. Shri Rathod was relieved from service on 21-4-81. Thereafter in the year 1983, VOP Phase II Project was taken and so on 6-6-83, Shri Rathod was again taken in service as Male Beldar Khallasi. He was a casual labourer. The above project was completed and so his services were terminated on 10-9-85. The service card is produced at Ex. 27. It is evident from the service card that I.O.W (C) I Jamnagar had engaged Shri Rathod as Khallasi on the above project and that I.O.W. (C) I Jamnagar had terminated his services. The first party has produced the termination letter at Ex. 34, it is dated 8-8-85. It can be seen from this letter that the Executive Engineer, Construction, Jamnagar had terminated the services of Shri Rathod. Thus, Shri Rathod was taken in service by I.O.W. (C) I Jamnagar and his services were terminated by Executive Engineer, Construction, Jamnagar. Now the reference is made against the Executive Engineer (C) (Special), Western Railway, Kalupur, Ahmedabad. Now it is the contention of the first party that there is no relationship of employer and employee between the parties and so reference against the first party is not maintainable. Now the first party is, as stated earlier, Executive Engineer (C) (Special), Western Railway, Kalupur, Ahmedabad.

10. Now the definition of the expression "employer" is given in Section 2(g) of the I. D. Act, 1947. It reads as under :—

"'Employer' means—

(i) in relation to an industry carried on by or under the authority of any department of (the Central Government or a State Government), the authority prescribed in this behalf, or where no authority is prescribed, the head of the department ;

(ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive of the authority."

11. Now in Rule 2(g) of the I. D. (Central) Rules, 1957 the provision is made regarding Section 2(g) of the I. D. Act. Rule 2(g) which is material for our purpose reads as under :—

"with reference to clause (g) of Section 2, it is hereby prescribed that—

(i) in relation to an industry, not being an industry referred to in sub-clause (ii), carried on by or under the authority of a Department of the Central or a State Government, the officer-in-charge of the industrial establishment shall be the 'employer' in respect of that establishment; and

(ii) in relation to an industry concerning railways, carried on by or under the authority of a Department of the Central Government,

(a) in the case of establishments of a Zonal Railway, the General Manager of that Railway shall be the 'employer' in respect of a regular railway servants other than casual labour ;

(b) in the case of an establishment independent of a Zonal Railway, the Officer-in-charge of the establishment shall be the 'employer' in respect of regular railway servants other than casual labour; and

(c) the District Officer-in-charge or the Divisional Personnel Officer or the personnel officer shall be the 'employer' in respect of casual labour employed on a Zonal Railway or any other railway estblishment independent of a Zonal Railway"

12. Now it is evident from Section 2(g) of the I. D. Act read with Rule 2(g) of the above Rules, that the District Officer-in-charge or the Divisional Personnel Officer or the Personnel Officer shall be the 'employer' in respect of casual labour employed on the Zonal Railway or any other railway establishment independent of a Zonal Railway. Shri Rathod was a casual labourer. He was employed at Hapa Station of Rajkot Dvision. I.O.W. (C) I. Jamnagar had employed him as Khallasi and thereafter his services were terminated by Executive Engineer, Construction, Jamnagar. Therefore, I.O.W., Construction, Jamnagar or Executive Engineer, Construction, Jamnagar is the employer of Shri Rathod and not the Executive Engineer, Construction, Special, Western Railway, Ahmedabad. Now Shri Rathod has raised the industrial dispute against the Executive Enginier, Construction (Special), Western Railway, Ahmedabad. He had not raised any industrial dispute against I.O.W., Construction (I), Jamnagar or against the Executive Engineer, Construction (Jamnagar). As stated earlier, Executive Engineer, Construction (Special) Western Railway, Ahmedabad is not the employer of Shri Rathod. However, either I.O.W. Construction or Executive Engineer Construction (Jamnagar) is the employer of Shri Rathod. Therefore, there is no relationship of employer and employee between the parties and, therefore, the reference is not maintainable. The first party has, therefore, established that there is no relationship of employer and employee between the parties and, therefore, the reference is not maintainable.

13. Even if it is assumed for a moment that there is relationship of employer and employee between the parties then let us see what is the position ? Now as stated earlier, Shri Rathod was employed on project VOP Phase II on 4-6-83 and then his services were terminated on 10-9-85 as the above project work was completed. Even Shri Rathod has admitted in his deposition that the railway line of Viramgam Okha Porbandor was being contracted and he was working there and that VOP Project was completed and so all the Khallasis were relieved from service. Thus, Shri Rathod was relieved from service because the above project work was completed. All other Khalasis were also relieved from service as the above project work was completed. Now it is an admitted fact that on the above project work more than 100 workmen were working. Now Section 25-O provides regarding procedure for closing down an undertaking. Now it is evident from this Section 25-O that the provision of this section does not apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work. Therefore, the provision of Section 25-O has not to be followed at the time when the project of VOP Phase II was completed. Therefore, the services of Shri Rathod who was serving in VOP Phase II project can be terminated on completion of the above project. I.O.W. (C) Executive Engineer, Construction, Jamnagar has terminated the services of Shri Rathod on completion of above project by giving one month's notice. Therefore, the termination of the service of Shri Rathod is legal and valid.

14. However, an attempt is made to show that the first party has not paid any retrenchment compensation to Shri

Ratohd at the time of remination of the services or in the alternative, no full compensation is paid and, therefore, the termnation is not legal and valid. Now as stated earlier, the provisions of Section 25-O are not attracted in the instant case and, therefore, it is not necessary to comply with the provisions of above section. Therefore, even if the retrenchment compensation as provided in Section 25-O was not paid then also it cannot be said that the termination of Shri Rathod is illegal and improper. Therefore, there is no merit in the above contention of the learned Advocate. Shri Trivedi appearing for Shri Rathod.

15. Now an attempt is also made to show that the junior workmen are retained and that they have been made permanent and the services of Shri Rathod were terminated. According to Shri Rathod, the termination is not legal and valid. Now it is an admitted fact that the Railway had terminated the services of 72 employees-workmen on 10-9-85 on the date on which the service of Shri Rathod was terminated. Out of these 72 workmen, 48 casual labourers approached the Honourable High Court and obtained stay order and so they were continued. Thereafter, 28 casual labourers who were senior to Shri Rathoe were relieved and from these 28 casual labourers 18 had obtained stay order and so they are continued. So the above workmen were continued because they had obtained stay order from the Court. Therefore, it cannot be said that the first party has continued the above workmen who are junior to Shri Rathod. So, there is no merit in the above contention of Shri Rathod and so it is rejected.

16. Shri Rathod has also made an attempt to show some mala fides regarding termination of his services. However, on the day on which his services were terminated many others were also terminated. Even thereafter some others were terminated. Futhermore, his services were terminated because of the completion of the project. Therefore, mala fides cannot be imputed and, therefore, there is no merit in the above contention of Shri Rathod. In view of the above, it is not proved that the termination of Shri Rathod is illegal and improper.

17. In view of my discussions as above, there is no merit in the reference of Shri Rathod and so it has to be rejected. I, therefore, pass the following order :

ORDER

The reference is rejected. No order as to costs.

SECRETARY

Ahmedabad.

Dated, 17th August, 1994.

H. D. PANDYA, Presiding Officer

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2496 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, कोटा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-94 को प्राप्त हुआ था।

[संख्या एल-41011/9/87-डी.II (बी) बी-I]

वी. के. शर्मा, डैस्क अधिकारी

New Delhi the 31st August, 1994

S.O. 2496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Kota and their workmen, which was received by the Central Government on the 30-8-1994.

[No. L-41011/9/87-D.II(B)/B.I]

V. K. SHARMA, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा, राज.
निर्देश प्रकरण क्रमांक : औ. न्या. (केन्द्रीय)–3/1988
दिनांक स्थापित : 10-6-88

प्रसंग : भारत सरकार श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल. 41011/9/87–डी. II (बी) दि. 3-6-88
औद्योगिक विवाद अधिनियम, 1947

मध्य

डिविजनल सैक्रेट्री, पश्चिम रेलवे कर्मचारी परिषद, भीमगंजमण्डी, कोटा।

—प्रार्थी यूनियन

एवं

डिविजनल रेलवे मैनेजर, वेस्टर्न रेलवे, कोटा।
—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चौहान,

आर. एच. जे. एस.

प्रार्थी यूनियन की ओर से प्रतिनिधि :	श्री ए. डी. ग्रोवर
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि	श्री रामनिवास (विधि सहायक)

अधिनिर्णय दिनांक : 6 अगस्त, 1994

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम, 1947" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) व उप धारा (2–ए) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Is the D.R.M., Western Railway, Kota justified in holding the examination of Sr. Celers on 15-11-86 ? If not, to what relief S/Shri Jitendra Mohan Mittal, Shanti Kumar and Brahmedra Kumar, employed in ACME, Kota are entitled to ?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी यूनियन की ओर से प्रार्थी जितेन्द्र मोहन मित्तल, शांतिकुमार व ब्रह्मेन्द्र कुमार के सम्बन्ध में क्लेम स्टेटमेन्ट प्रस्तुत कर यह अंकित किया गया है कि इन कर्मकारों को प्रतिपक्षी

के द्वारा वरिष्ठ लिपिकों की परीक्षा दि. 15 10-86 को लेने की सूचना दी गयी थी परन्तु उक्त सूचना के आधार पर परीक्षा नहीं ली गयी व इसके पश्चात् इस परीक्षा को 15-11-86 के 2 बजे के लिए स्थगित कर दिया गया जिसका पत्र भी जारी किया गया इसलिए प्रार्थीगण उक्त परीक्षा में सम्मिलित नहीं हो सके एवं अन्य कर्मचारीगण को नौकरी में लिया गया जिससे प्रार्थी श्रमिकगण की वरिष्ठता नीचे आ गयी, अतः 15-11-86 को डिविजनल रेलवे प्रबन्धक, पश्चिम रेलवे, कोटा द्वारा वरिष्ठ लिपिकों की जो परीक्षा ली गयी वह सही नहीं थी ।

3. प्रतिपक्षी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत करते हुए कहा गया है कि दि. 15-11-86 को वरिष्ठ लिपिकों की परीक्षा लेना प्रतिपक्षी के अधिकार-क्षेत्र में था। प्रतिपक्षीगण की ओर से दि. 10-11-86 को एक तार द्वारा सूचना दी गयी कि परीक्षा दि. 15-11-86 को निश्चित समय व स्थान पर होगी । प्रार्थीगण बाद में वरिष्ठ लिपिक के पद पर चयनित हुए जिनकी वरिष्ठता सूची भी प्रकाशित की जा चुकी है इसलिए उन्हें अब वरिष्ठता क्लेम करने का अधिकार नहीं है । दि. 15-11-86 के बाद मण्डल स्तर पर परीक्षा लेने का अधिकार समाप्त कर दिया और रेलवे भरती बोर्ड को यह कार्य दे दिया इसलिए भी प्रतिपक्षीगण की ओर से कोई परीक्षा नहीं ली जा सकती ।

4. प्रार्थी श्रमिक जितेन्द्र मोहन ने अपने शपथ-पत्र पर हुई जिरह में यह कहा है कि 7-11-86 का पत्र मुझे प्राप्त हुआ, वह हमारे आफिस को भेजा गया था, प्रदर्श डब्ल्यू. 7 टेलीग्राम दि. 10-11-86 का हमारे कार्यालय में आया था नहीं, मुझे पता नहीं । रेलवे बोर्ड 15-11-86 को ली जाने वाली परीक्षा रद्द कर दी हो तो मुझे पता नहीं । मुझे यह भी पता नहीं कि जो सूची प्रकाशित की गयी है उसमें किसी को भी परीक्षा का लाभ दिया गया है । परीक्षा न होने के कारण कुछ लोग मेरे से ऊपर चले गये । मैं अब परीक्षा उत्तीर्ण कर चुका हूं ।

5. प्रतिपक्षी के विद्वान प्रतिनिधि की ओर से यह बहस की गयी है कि प्रार्थीगण को दि. 15-11-86 को ली जाने वाली परीक्षा निरस्त करने की कोई सूचना नहीं दी गयी तथा 10-11-86 को विभाग से एक टेलीग्राम भी दिया गया था व इसके पश्चात् प्रार्थीगण परीक्षा पास कर चुके हैं एवं वरिष्ठता सूची भी प्रकाशित की जा चुकी है, अतः प्रार्थीगण कोई अनुतोष प्राप्त करने के अधिकारी नहीं है ।

6. मैंने बहस सुनी व पत्रावली का अवलोकन किया। दौरान बहस दिनांक 10-11-86 को प्रतिपक्षी द्वारा जो तार दिया गया था उसको भी दिखाया गया। 15-11-86 का जो पत्र प्रतिपक्षी द्वारा जारी करना बताया गया है वह प्रार्थीगण को नहीं दिया गया। दौरान बहस मुझे दि. 10-11-86 का टेलीग्राम प्रतिपक्षी के विद्वान प्रतिनिधि द्वारा बताया गया है जिसके द्वारा परीक्षा 15-11-86 को होना बताया गया है । अतः चूंकि प्रार्थीगण को परीक्षा स्थगित होने का कोई पत्र जारी नहीं किया गया एवं प्रार्थीगण ऐसी वरिष्ठ लिपिक की परीक्षा को उत्तीर्ण कर चुके हैं ऐसी स्थिति में मैं इस क्रम पर प्रकाशित वरिष्ठता सूची को रद्द करना किसी भी तरह से न्यायोचित नहीं समझता हूं । दि. 15-11-86 को जो प्रतिपक्षीगण के द्वारा परीक्षा करायी गयी थी वह किसी प्रकार से गैर-कानूनी नहीं थी और वह न्यायोचित थी, इस कारण प्रार्थीगण कोई राहत प्राप्त करने के अधिकारी नहीं हैं ।

7. उक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि प्रतिपक्षी डिविजनल रेलवे प्रबन्धक, पश्चिम रेलवे कोटा द्वारा दि. 15-11-86 को वरिष्ठ लिपिकों की ली गयी परीक्षा न्यायोचित थी, इस कारण श्रमिक जितेन्द्र मोहन मित्तल, शांतिकुमार और बरखमेश्वरा कुमार कोई राहत प्राप्त करने के अधिकारी नहीं है ।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे ।

आर. के. चाचाम, न्यायाधीश

नई दिल्ली, 31, अगस्त, 1994

का.आ. 2497 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-94 को प्राप्त हुआ था ।

[संख्या एल-12012/38/91-आई आर (बीIII)/बीआई)]

वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2497.—In pursuance of Section 17 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 26-8-1994.

[No. L-12012/38/91-IR(B.III)/B-I]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 45/91

Workman Vs. State Bank of India.

For the workman : Shri B. N. Sehgal.
For the management : Shri A. C. Jaidka.

AWARD

In the wake of dispute raised on behalf of the workman, Central Government, has referred, vide letter No. L-12012/

38/91-IR(B-3) dated 10th April, 1991 following dispute for adjudication to this Tribunal :

"Whether the action of the management of State Bank of India in relation to their Khajurala Branch in denying the benefits of reward for bravery on account of apprehending the decoits on 11-5-1988 in the said branch is just and fair ? If not, to what relief the workman is entitled ?"

2. The matrix of the facts culminating in the commmencement of present dispute are that Chanchal Singh, workman (armed guard) was posted at Khajurla branch of State Bank of India, (respondent), on 11-5-1988. According to the petitioner, on that day at about 12.00 Noon, few extremists/decoits entered in the branch to loot the bank. The workman resisted the extremists/decoits and in the milee, he was injured. The case set up by the workman in his statement of claim is that in view of the guidelines of G.O.I. (M.O.F.) Banking Division, (Ex. M3) he is entitled for Rs. 50,000 alongwith other benefits as he resisted the robbers and was injured. It is also alleged that workman submitted representation to the auhtorities, but the management did not acceed to the request of the workman. In all, it has been alleged by the workman that he is entitled for the benefits according to the instrucitons. On the footing of aforesaid pleadings, the workman claims Rs. 50,000 cash award and out of turn promotion or three graded increments.

3. The management respondent contested the claim of the workman and filed the written statement inter-alia pleading that workman can not claim any benefit from the instruction of the bank on administrative discretion as the bank's scheme of granting reward to staff members/public for showing acts of bravery in cases of decoity/robbery, is based on, government guidelines issued from time to time. However, it is admitted that on 11-5-1988 at 12.00 no few extremists attempted to rob the Khajurla branch of the Bank. Two robbers posttioned themselves outside the branch, while third one entered the branch premises and Chanchal Singh, workman, who was posted at the branch at the material time, locked the main collapsable door in the mean time. It has also been admittd by the management that one out of two robbers outside the branch fired a shot at Chanchan Singh, workman, who was on guard duty and bullets struck Chanchal Singh at his back and elbow. Admitting the instructions of the bank, thte management pleaded that the benefits of reimbursement of medical expenses for treatment of injury including hospital expenses and special leave for treatment have been provided to the workman. According to the management, since Chanchal Singh was not seriously injured in the occurrance, so he is not entitled for any benefit under the guidelines Ex. M3. It will not be out of place to mention here that the management has denied the locus-standi of the workman to claim benefits. That being so the management prayed for the dismissal of the reference.

4. Controverting the allegations of the written statement of the management and reiterating the stand taken in the statement of claim, the workman filed the replication.

5. In order to substantiate his claim, the workman Chanchal Singh, appeared as his own witness as WW1. He has also tendered his affidavit Ex. W1, discharge slip Ex. W2, outdoor ticket Ex. W3, certificate Ex. W4 and instructions Ex. W5. The management got proved the documents Ex. M1, the representation of workman, Ex. M2, the representation made by the Union and Ex. M3, the representation.

6. The management, in order to rebutt oral as well as documentary evidence produced on record by the workman, examined Shri S. K. Malhotra, Deputy Manager, as MW1, who has also tendered into evidence his affidavit Ex. M1, copy of F.I.R. Ex. M2 and instructions Ex. M3 in documentary evidence.

7. Having heard the learned representative of the parties, having gone through the evidence an record and after bestowal of thoughts on the entire matter to my mind the reference deserves acceptance

8. The facts of the case are neither intricate nor in dispute. As mentioned above, the case set up by the workman is that, on the fateful day, three extremists came to Khajraula branch in order to loot the bank. He resisted the robbers/extremists and in that process he received bullet injury and sustained injuries. In the written statement, it has not been disputed that the extremists came to rob the bank and workman closed the door. It has also not been disputed by the management that a bullet hit the workman. That manner of the occurrance has been reiterated by the workman in his affidavit Ex. W1, which also find support from the affidavit of the management Ex. M1. Ex. M2 is the copy of F.I.R. produced on record by the management which also corroborates the version of the workman that a case U/S 307/382/511 I.P.C. read with Section 25 of the Arms Act was registered vide F.I.R. No. 45 dated 11-5-1988 in police station Sadar Phagwara, district Kapurthala. Ex. W2 is the discharge slip of the workman, Ex. W3 is the treatment slip and Ex. W4 is the certificate from Civil Hospital Bagomal, Kapurthala, The bare perusal of the documents Exs. W1 to W4 and the affidavit of the management Ex. M1 would go to show that occurrance had taken place in the manner stated by the workman. He sustain bullet injury on his back and elbow. He remained under the treatment of Civil Hospital from 23-5-1988 to 16-6-1988.

9. The representative appearing on behalf of the bank contended with some amount of vehemence that workman is not entitled for any more benefit as two benefits under clauses 'C' and 'D' of Scheme No. 2 had already been granted. I have considered the contention of the representative of the bank, which to my mind is not tenable, because the personnel department of State Bank of India, Chandigarh, at the instance of both federations of staff had introduced a scheme of payment of compensation in the event of death or permanent injury. This scheme was again reviewed and new instructions dated 9th June, 1986 (Ex. M3) were introduced which postulates two schemes. Scheme No. 1 was introduced to compensate the staff/dependents of staff in the event of injury/death while on duty and scheme No. 2, to motivate the employees, general public, to resist robbers/decoits. The representative of the workman has rightly argued that the case of the workman is squarely covered under scheme No. II which was framed to motivate the employees. According to scheme No. 2 of circular dated 9th January, 1986 (Ex. M3) any officer and workman, staff including permanent or temporary employees, who have resisted the decoits/robbers or apprehended them and have suffered injury, are entitled to the following benefits :

"In case of injury/apprehension of decoits :

(i) Cash compensation :
A cash reward of Rs. 50,000 to the employee.

(ii) Other incentives :

(a) Consideration for promotion to next higher grade/scale of pay to those employees who fulfil minimum eligibility/prescribed criteria for such promotion. Such employees will be interviewed by a committee duly constituted by the bank for the purpose.

(b) Where the employee does not fulfil the eligibility criteria, he may be paid 3 advanced annual increments in the existing scale of pay provided such increments are due and he has not already reached the maximum in the scale of pay.

(c) Reimbursement of medical expenses for treatment of injury, including hospitalisation expenses in full.

(d) Special leave for treatment and convalescent as per the recommendations of the bank's authorised Doctors."

It stands proved on the record that the workman had suffered bullet injury while on duty and in the process of resisting robbers/extremists. He remained under treatment in the hospital from 23-5-1988 to 16-6-1988, so he is entitled for the benefits under scheme No. 2 of Ex. M3.

10. The contention of the representative of the management that since the workman did not suffer any gravious injury so he is not entitled for any benefit, is not only devoid of merits, but misplaced as well and stricto-sensue, deserved to be ignored for more than one reason, because the requirement of scheme No. 2 is only that the employee must had suffered injuries. In other words gravious/serious injuries are

not condition precedent for claiming benefits under Scheme No. 2. Consequently and taking the risk of repetition as mentioned above, the workman suffered bullet injuries on his back and elbow. He remained under the treatment of civil hospital from 23-5-1988 to 16-6-1988. Keeping in view the nature and seat of injury, the period of treatment and the fact that case U/S 307/382/511 of I.P.C. read with Section 25 of the Arms Act (Ex. M2) was registered against the accused, the injuries can safely be termed as serious injury in the obtaining circumstances of the case. Thus, it would be seen, taking the case from any angle, to my mind the management can not possibly deny the benefits to the workman in pursuance of the scheme No. 2 of Ex. M3, relied upon by the management. The management had already admitted in written statement that re-imbursement of medical expenses of treatment and special leave of treatment under the scheme had already been granted to the workman. So, in this view of the matter, the management can not withhold the other two benefits under the said scheme of the management.

11. In the light of aforesaid reasons, I can not help observing that the action of the management of State Bank of India in relation to their Khajurala branch in denying benefits of reward for bravery on account of apprehending the dacoits on 11-5-1988, is not just and fair. The workman is entitled for all the benefits under Scheme No. 2. Consequently the management is directed to provide the remaining benefits under scheme No. 2, in case of injury, to the workman within a period of two months after the publication of the Award. Consequently the reference is accepted. Award be submitted to the Appropriate Government in accordance with law.

Chandigarh,
17-8-1994.

M. S. SULTAR, Presiding Officer

नई दिल्ली, 31 अगस्त, 1994

का.आ. 2498 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, कोटा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-94 को प्राप्त हुआ था ।

[संख्या एल-41012/108/88 डी2(बी)/बी आई]
वी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 31st August, 1994

S.O. 2498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Governmnet hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Kota and their workmen, which was received by the Central Government on the 30-8-1994.

[No. L-41012/108/88-D.2(B)/B.I]
V. K. SHARMA, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज.
निर्देश प्रकरण क्रमांक : औ. न्या. (केन्द्रीय)-14/1989
दिनांक स्थापित : 3-11-89

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल. 41012/108/88-डी2(बी) दिनांक 23-10-89

औद्योगिक विवाद अधिनियम, 1947

मध्य

डिविजनल सैक्रेटरी, पश्चिम रेलवे कर्मचारी परिषद्, कोटा
—प्रार्थी यूनियन

एवं

डी.आर.एम. पश्चिम रेलवे कोटा।
—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,
आर.एच.जे.एस.

प्रार्थी यूनियन की ओर से प्रतिनिधि : श्री ए. डी. ग्रोवर
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री आर. एन. पाठक (विधि सहायक)

अधिनिर्णय दिनांक 2 अगस्त, 1994

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरांत "अधिनियम" से संबोधित किया जावेगा) की धारा 10(1) (क) एवं उपधारा (2-क) के अंतर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ संप्रेषित किया गया है :

"Whether the action of the D. R.M. Western Railway, Kota in not counting the officiating period from 16-1-1971 to 31-8-1975 while fixing the seniority of Shri A. D. Grover, TTE is justified ? If not, what relief are the workman entitled to ?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी यूनियन की ओर से प्रस्तुत क्लेम स्टेटमेंट में कहा गया है कि प्रार्थी ए. डी. ग्रोवर ने एल.आर.टी.सी. के पद पर रहते हुए दि. 16-1-71 से 31-8-75 तक के समय के लिए टी. टी. ई. के पद पर कार्य किया। दि. 27-2-89 को प्रार्थी को टी.टी.ई. की वरिष्ठता सूची में वरियता दी गयी। प्रार्थी श्रमिक का दिनांक 16-1-71 से 31-8-75 तक का स्थानापन्न समय वरियता में जोड़ा जाना चाहिए था जो नहीं जोड़ा गया एवं वरियता-सूची में प्रार्थी का नाम क्रम सं. 70 पर दर्शाया गया जो सही नहीं है। प्रार्थी श्रमिक ने इसके लिए प्रतिपक्षी को पत्र भी लिखे परन्तु कोई कार्यवाही नहीं की गयी, अतः प्रार्थी की वरियता दि. 16-1-71 से टी.टी.ई. की वेतन श्रृंखला 1200-2040 (आरपी) में मानकर किये जाने का आदेश दिया जाए व इसके अनुरूप पदोन्नति व वरिष्ठता दी जाये।

3. प्रतिपक्षी नियोजक ने उक्त क्लेम का विरोध करते हुए अपना जवाब प्रस्तुत किया है कि प्रार्थी श्रमिक का स्थानापन्न लोकल एरेजमेंट के आधार पर टीटीई के पद पर किया गया था जिसका उसे स्थानापन्न भत्ता दे दिया गया है इसलिए प्रार्थी श्रमिक का उक्त समय रेलवे नियमों के अनुसार वरियता के लिए नहीं गिना जा सकता और 27-2-89 को प्रकाशित वरिष्ठता सूची में प्रार्थी का नाम जो क्रम सं. 70 पर दर्शाया गया है वह सही है. अतः प्रार्थना-पत्र क्लेम अस्वीकार किया जाए।

4 प्रार्थी ए. डी. ग्रोवर से उसके शपथ-पत्र पर प्रतिपरीक्षा की गयी जिसमें उसके द्वारा स्वीकार किया गया है कि मैंने एल.आर. टी.सी. के पद पर 16-1-71 से 31-8-75 तक काम किया था। इस पद पर मेरे अलावा कनिष्ठ व वरिष्ठ ने भी काम किया था जिनके नाम पता नहीं। यह कार्य मेरे से लोकल एरेजमेंट के अंतर्गत लिया गया या वरियता के आधार पर, मैं नहीं कह सकता परन्तु मुझसे काम जबरन नहीं लिया गया। मैंने रेलवे प्रशासन से वरियता के बारे में कई बार शिकायत की। मैंने जिन सरकुलर का हवाला दिया है वह मेरे पास नहीं हैं। जनरल केटेगरी में मुझसे कनिष्ठ किसी भी व्यक्ति को टी.टी.ई. के पद पर पदोन्नत नहीं किया गया है। टी.टी.ई का स्थानांतरण भत्ता मुझे पूरी अवधि का दिया गया है।

5. बहस सुनी गयी व पत्रावली का अवलोकन किया गया। प्रार्थी श्रमिक की ओर से विद्वान् प्रतिनिधि का यह कथन है कि प्रार्थी से 16-1-71 से 31-8-75 तक टी.टी.ई. के पद पर जो कार्य लिया गया था, प्रार्थी को पदोन्नति देते समय, इस समय को वरिष्ठता में शामिल किया जाना चाहिए था जो नहीं किया गया। इस लिए प्रार्थी श्रमिक का नाम जो वरिष्ठता सूची में क्रम सं 70 पर दर्शाया गया है वह सही नहीं है, अतः पुनः निर्धारण किया जाए।

6. प्रतिपक्षी नियोजक की ओर से विद्वान् प्रतिनिधि ने यह बहस की है कि स्वीकृत रूप से प्रार्थी श्रमिक एल.आर.टी.सी. के पद पर कार्य कर रहा था, उस समय उसके उच्च पद टी.टी.ई का कार्य करवाया गया जिसका वेतनमान स्वीकृत रूप से प्रार्थी को दिया गया है। चूंकि प्रार्थी की मूल नियुक्ति टी.टी.ई. के पद पर पूर्व में नहीं थी इसलिए टी.टी.ई. की वरिष्ठता 16-1-71 से नहीं की जा सकती। विद्वान् प्रतिनिधि प्रतिपक्षी ने यह भी बहस की है कि प्रार्थी को टी.टी.ई. के पद पर स्थानीय एरेजमेंट के तहत रखा गया था जिससे उसे कोई वरिष्ठता का अधिकार प्राप्त नहीं होता।

7. प्रार्थी श्रमिक की ओर से यह स्वीकृत तथ्य है कि दि. 16-1-71 से 31-8-75 तक जब उसने टी.टी.ई. के पद पर कार्य किया तो उस समय का स्थानापन्न वेतनमान उसे प्राप्त हो चुका है। दि. 16-1-71 की वरियता प्रार्थी श्रमिक लेना चाहता है जिसके लिए आज तक उसने कोई कार्यवाही नहीं की। यह तथ्य भी स्वीकृत है कि प्रार्थी की प्रारंभिक नियुक्ति टी.टी.ई. के पद पर नहीं थी। प्रार्थी श्रमिक ने इस लंबे समय तक अपनी वरिष्ठता वरियता को बदलवाने की कार्यवाही क्यों नहीं की, यह नहीं बतलाया गया। विभागीय पदोन्नति हो चुकी है। टी.टी.ई. के पद पर जो व्यक्ति कार्य कर रहे हैं उनकी पदोन्नति भी दी जा चुकी है। इस कारण सन् 1971 की वरिष्ठता को इस न्यायालय न्यायाधिकरण द्वारा इस प्रक्रम पर बदलना न्यायोचित नहीं है। इसके अलावा मैं यह भी पाता हूं कि प्रार्थी श्रमिक की प्रारंभिक नियुक्ति भी टी.टी.ई. के पद पर नहीं हुई इसलिए अपने इस पूर्व एल.आर.टी.सी. के पद पर रहते हुए उसे टी.टी.ई. की वरिष्ठता इस न्यायाधिकरण द्वारा दिलाया जाना न्यायोचित नहीं है।

8. अतः उक्त विवेचन से मैं इस नतीजे पर पहुंचा हूं कि प्रतिपक्षी डी.आर.एम., वेस्टर्न रेलवे कोटा ने दि. 16-1-71 से 31-8-75 तक की वरिष्ठता टी.टी.ई. के पद पर पदोन्नति हेतु प्रार्थी श्रमिक को शामिल नहीं की वह सही है और वह कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

9. उपरोक्त संपूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा संप्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि प्रतिपक्षी डी.आर.एम., वेस्टर्न रेलवे, कोटा ने दि. 16-1-71 से 31-7-75 तक की वरिष्ठता टी.टी.ई. के पद पर पदोन्नति हेतु प्रार्थी श्रमिक को शामिल नहीं की वह सही है और वह कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

इस अधिनिर्णय को भारत सरकार, श्रम मंत्रालय दिल्ली को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 1 सितम्बर, 1994

का.आ. 2499.—केन्द्रीय सरकार को यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि ग्रामीण बैंक अधिनियम, 1976 की धारा 3 के अधीन स्थापित क्षेत्रीय ग्रामीण बैंक द्वारा चलाए जा रहे बैंकिंग उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की मद 2 के अंतर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए।

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (न) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम में प्रयोजनों के लिए छः मास की कालावधि के लिए तत्काल प्रभाव से लोक उपयोगी सेवा घोषित करती है।

[संख्या एम.11017/2/85/डी.1(ए)]

एम. एस. पाराशर, अवर सचिव

New Delhi the 1st September, 1994

S.O. 2499.—Whereas the Central Government is satisfied that the public interest requires that the Banking Industry as carried on by a regional rural bank established under section

3 of the Regional Rural Banks Act, 1976, which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/85-D.II(A)]
S. S. PRASHER, Under Secy.

नई दिल्ली, सितम्बर, 1994

का.आ. 2500 :—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री पी.वी. राव को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा.सं. ए-12025/6/92-आई.एस.एच.(1)]
आर .के. रंग, उप सचिव

New Delhi, the 1st September, 1994

S.O. 2500.—In exercise of the powers conferred by sub-section (1) of the section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Dr. P.V. Rao as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[F. No. 12025/6/92-ISH-(I)]
R. K. RANG, Dy. Secy.

नई दिल्ली 1 सितम्बर, 1994

का.आ. 2501 :—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री पी.वी. राव को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा.सं. ए.-12025/6/92-आई.एस.एच.-1)]
आर.के. रंग, उप सचिव

New Delhi, the 1st September, 1994

S.O. 2501.—In exercise of the powers conferred by sub-section (1) of teh section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Dr. P. V. Rao as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[F. No. A-12025/6/92-ISH.I]
R. K. RANG, Dy. Secy.

नई दिल्ली, 1 सितम्बर, 1994

का.आ. 2502: —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रावनकोर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/334/91-आईआर बी III/बी-I]
वी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 1st September, 1994

S.O. 2502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Travancore and their workmen which was received by the Central Government on the 31-8-1994.

[No. L-12012/334/91-IRB III.B.I]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU

MADRAS

Monday, the 18th day of April, 1994

PRESENT.

THIRU K. SAMPATH KUMARAN, B.A.,B.L., INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 13/1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of Travancore, Madras-600108).

BETWEEN

The Workman represented by
The Assistant Secretary,
State Bank of Travancore Employees Union,
C/o. State Bank of Travancore,
United India Building,
Esplanade, Madras-600108.

AND

The Regional Manager,
State Bank of Travancore,
Regional Office (V),
United India Building,
Esplanade, Madras-600108.

REFERENCE:

Order No. L-12012|334|91-IR.B.III, dated 17-2-92, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 8th day of September, 1993 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Tvl. V. S. Elnamabarum and V.S. Balasubramanian, Authorised Representatives for the Workman and of Thiru Xavier Cherian, Authorised Representative for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for the adjudication of the issue:

"Whether the Management of State Bank of Travancore is justified in dismissing Shri P. V. Raman Pillai Head Clerk from the services of the Bank with effect from 30-6-90? If not, to what relief is the concerned workman entitled to?"

2. The petitioner filed the following Claim Statement : While P. V. Raman Pillai was working as Head Clerk in the

Kilpauk Branch of the respondent bank, he was served with an order of suspension on 25-8-88. The disciplinary authority through his letter dt. 16-12-88 and 21-4-89 called upon P. V. Raman Pillai to explain certain alleged gross irregularity/misappropriation committed by him, P. V. Raman Pillai submitted his explanation. A show cause notice was served on him on 17-11-1989 alleging against him gross misconduct under clause 19(D), (E), (J) of the first Bipartite Settlement 1966. The enquiry proceedings were held at Kilpauk branch on 1-3-90. The entire matter pertaining to the disciplinary proceedings was treated by the respondent bank in callous manner. On 30-4-90 the disciplinary authority served on him the second show cause notice in the name and style of preliminary order asking him to show cause as to why the punishment of dismissal sould not be imposed upon him. It was stated therein that the Enquiry Officer had submitted its report finding him guilty of all the charges. The management failed to provide a copy of the findings of the Enquiry Officer. It was not produced even before the Conciliation Officer when he wanted the report for his perusal. The Bank had not only acted in violation of the principles of natural justice but also failed to adhere to the mandatory provisions of the Awards and Settlements particularly regarding the personal hearing to be given to the employee at the time of proposing the punishment. P.V. Raman Pillai was awarded the punishment of dismissal from service through the letter dated 30-6-90. The second show cause notice and the final order did not specify the punishment in respect of each and every charge which shows that the disciplinary authority had not considered the findings of the Enquiry Officer in respect of each and every cause while proposing or imposing punishment for varius misconducts. The extenuating circumstances were not taken into consideration before awarding the punishment of dismissal. In his appeal to the Appellate Authority against the order of punishment P. V. Raman Pillai brought to the notice of the Appellate Authority the omissions and the commissions on the part of the disciplinary authority. The Appellate Authority maintained that the non-supply of enquiry report and the findings of the Enquiry Officer to the employee did not vitiate the enquiry proceedings. The Appellate Authority also accepted that mere admission of certain occurences was proof of guilty implying that it did not necessitate proving it at the enquiry. Right from the time of initiating the disciplinary proceedings the management had been actively interfering. The disciplinary authority and Appellate Authority ceased to be independent authorities. The disciplinary authority failed either to adhere to the rules and procedure or to act in accordance with the principles of natural justice with regard to the payment of subsistance allowance, arrears of salary etc. The punishment of dismissal is unjust and illegal.

3. Raman Pillai has not been provided with the copies of the Complaint/reports either immediately or before the commencement or conclusion of the disciplinary proceedings. The respondent is taking shelter under the guise of the employee not making a request for supply of those copies. The workman's entry into the bank was restricted to certain specific purposes like operation of his bank account in Kulpauk branch. The respondent failed to establish the allegations and acts of misappropriation alleged to have been committed/perpetrated by Raman Pillai. The enquiry officer allowed the prosecution to make its submissions against the submission of Raman Pillai which is against the principles of natural justice. The enquiry officer is biased. The enquiry report had not been provided to the employee till date which shows that there was no enquiry report at all. As such the punishment awarded based on such non-existing enquiry report is not maintainable. The disciplinary authority failed to reason out each and every charge. The disciplinary authority failed to adhere to the award bipartite provisions particularly para 19.12(c) while awarding punishment. He failed to take into account the previous record of the employee and other aggrevating, extenuating circumstances. The disciplinary authority failed to rectify the subsistence allowance paid to Raman Pillai. This is utter negligence of his responsibility to provide Saccour to the suspended employee in accordance with law. The appellae authority failed to adhere to the relevant provisions of the awards/settlements particularly para 19.14 of the first biprtite Settlement as modified by the 3rd Bipartite Settlement. The loss of interest suffered by the party due to the wrong credit and later restoration of the credit amounted to Rs. 255 as has been marked out by the prosecution and mentioned in the written brief. As such the punishment imposed on this score is harsh and disproportionate. Raman Pillai has not been offered a personal hearing by the disciplinary authority while proposing the punishment of dismissal without notice. The right to personal hearing is enshrined in para 19.12(a) of the Bipartite Settlement. Admission of certain acts by the employee in the performance of his duties cannot constitute proof of the charges framed against the employee based on such acts alone. The employee was denied of a reasonable opportunity to defend himself at the enquiry. Failure to provide the copy under the plea that they were not requested for cannot aosolve the Management of its responsibility under law. The statement of the respondent-bank that the disciplinary authority considered the past record of the employee in mobilising deposits for the bank before imposing punishment is an afterthought as the same is not reflected in the order of punishment. Therefore, the punishment of dismissal imposed on P.V. Raman Pillai may be quashed as illegal and unjustified.

4. The respondent filed the following counter :

It came to the notice of the Regional Manager that the petitioner was involved in fraudulently converting the proceeds of certain instruments remitted at Kilpauk branch. The records of the branch relating to the year 1988 were verified. On the basis of the facts revealed by such verification a show cause notice dated 16-12-88 was issued. The records of the branch relating to the year 1987 were subsequently verified, and on and on the basis of the facts revealed in the vernication he was again issued a show cause notice dated 21-4-89. So, seven chages were trained against him.

5 The petitioner confessed to the wrong credit given by him to the accounts of T. Bagirathan and Miss. Sivaganga on 25-8-88 during the course of the enquiry. He reiterated his confessional statement in his defence statement dated 11-12-89. As regards, the wrong credit to the other accounts mentioned in the charge sheet he stated that the beneficiary had agreed to the wrong credit given by him. He had no right to give such credit. On 1-3-90, the date of enquiry, the petitioner admitted his guilt before the enquiry officer. If the employee admits the charges during the enquiry, the admission can be relied on for finding the guilt of the charge sheeted employee. On the basis of the categorical admission of the employee the enquiry officer found him guilty of all the charges. On the basis of the findings of the enquiry officer the disciplinary authority proposed the punishment of dismissal against the employee.

6. The employee never requested for perusal of documents for preparing his written statement of defence or in the enquiry proceedings. The enquiry proceedings are entered in a bound register. This register, the written submission furnished by the petitioner before the enquiry officer admitting all the charges, the presenting officer's statement and the enquiry report were forwarded by the Enquiy Officer to the disciplinary authority. The disciplinary authority passed orders after perusing the above documents. The above papers were forwarded to the appellate authority for disposing of the appeal filed by the employe against the order of the disciplinary authority but they have been misplaced after the disposal by the Appellate Authority. Every effort is being made to trace them. The enquiry report will be produced as and when it is found out. It is not necessary to afford a personal hearing to the employee while proposing punishment. In his reply to the preliminary under proposing punishment the petitioner has not requested to afford him a personal hearing, but, had admitted his guilt and asked for a lesser punishment. The provisions of the awards and the bi-partite settlement have been complied with during the enquiry proceedings and while imposing the punishment. Though, the disciplinary authority has powers to award a separate punishment to each of the charges he has decided to award one punishment for all the chares which is not prohibited either by the bi partite settlement or by the law. It is incorrect to say that the extenuating circumstances were not taken ino consideration. Where the misconduct is gross the employee is liable to be discharged or dismissed from service. Though, the previous record of the employee showed that he had helped in mobilising deposits, the various acts of misconduct committed by him were so serious, that it was impossible for the bank to allow him to continue in the service of the bank. The appellate authority afforded a personal hearing to the employee and his defence representative wsa also present. The employee admitted his guilt both in the Appeal memo and during the personal hearing. The non-supply of the copy of the enquiry report was for

the first time raised by the petitioner in the Appeal proceedings. No prejudice has been caused by the non-supply of the copy of the report. The employee knew that the enquiry officer could only return a findings of guilt of all the charges, as the employee had confessed to his guilt before the enquiry officer. The petitioner had not requested for a copy of the enquiry report.

7. The subsistence allowance was paid to the employee as per rules. It was agreed to by the bank during conciliation proceedings that subsistence allowance can be paid in full after the expiry of one year from the date of suspension till the date of the dismissal, and that arrears of salary|Provident Fund and gratuity have been paid after adjusting his liability to the bank. The question of furnishing reports| settlements arises only when the memo of charges is disputed by the delinquent. The employee did not dispute the charges at any time nor did he ask for copies of documents. The petitioner raised the above objections for the first time during conciliation proceedings

8. There was no question of establishing the charges once the petitioner had confessed to his guilt. The only inference from the act is that the employee had acted with fraudulent and malafide intention. The fraudulent nature is writ large on the acts themselves. It is not necessary to reason out the findings on each charge as the findings on all charges are made on the basis of the confessional statement of the employee. All the extenuating circumstances placed before him were taken into consideration by the Disciplinary Authority. As the misdeeds of the employee were gravious the punishment of the dismissal was imposed. The Appellate authority had perused all relevant records and heard the contention of the employee before deciding the appeal. Steps are bing taken to dispurse the provident fund and other amounts due to the employee. The delay is due to the fact that claims of the third parties have to be considered, and the banks loss has to be quantified. The punishment was imposed on the basis of the confession of the petitioner. It was not necessary to place the details of the misappropriation before the disciplinary authority or appellate authority as the misappropriation has been established beyond doubt. The amount misappropriated by the employee is substantial and the bank has to make good the loss sustained by the account holders whose money has been misappropriated and routed to other accounts. The punishment imposed is commensurate with the misconduct committed by the employee. The petitioner did not seek any personal hearing before the disciplinary authority. The validity of the enquiry proceedings may be considered as a preliminary issue. If the Tribunal comes to the conclusion that the findings of the enquiry proceedings is vitiated or that the enquiry was in any way invalid, this Tribunal may allow the respondent to lead evidence to substantiate the order of dismissal. The employee is not entitled to any relief. Therefore, the punishment may be upheld.

9. The employee filed the following reply statement : The charges mentioned in the counter do not conform to the charges in all its aspects levelled against the employee in the memo of charges. The basis for proposing and awarding punishment of dismissal to the employee is stated to be the confession of the employee. The confession relating to wrong credits given would not amount to admission of the acts of misconduct and the charges framed. Such an inference can never be taken as a basis for finding him guilty and for awarding the punishment of dismissal. It is not open to the respondent to say that no prejudice has been caused to the petitioner due to the non-supply of the copy of enquiry report. This failure amounts to violation of the principles of natural justice. The respondent never took any steps to establish the charges. It was only an inference that the employee acted fraudulently and with a mala-fide intention. The records were not placed before the Enquiry Officer to prove the so called fraudulent acts and malafide intention to misappropriate the bank's funds.

10. The issues that arise for consideration in this Industrial dispute are :

1. Whether the misconduct alleged against the workman Thiru P. V. Raman Pillai has been proved to

2. Whether the admission of guilt made by the workman is not sufficient and the charges against the workman should have been proved by letting in evidence ?

3. Whether the enquiry against the workman has been fair and proper ?

4. Whether there is any room for interfering with the punishment of dismissal from service awarded to the workman ?

11. Issues 1 to 4 : The charges against the P. V. Raman Pillai, the workman concerned in this Industrial dispute are that (1). On 2-11-87 he credited Rs. 2,940.60 to the account of Bagirathan instead of Thiru K. Jayakumar and that he subsequently remitted Rs. 2,940/- to the account of Jayakumar on 21-2-87. On 10-11-87, he credited Rs. 12,800.65 to the account of Balakumar instead of crediting it to the account of K. Jayakumar, but remitted Rs. 12,800 on 2-2-88 to the account of K. Jayakumar and thus temporarily misappropriated the amounts by fraudulent deeds. (2) On 3-8-87, he credited Rs. 10,956.40 to the account of Vijayamanoharan instead of to the account of Sundaresan. (3). On 3-6-68 he credited to the account of Bhagirathan Rs. 7,857 instead of to the account of K. Ponniah, that on 9-6-88, he credited Rs. 3,908 to the account of Bhagirathan instead of to the account of Nityanandam; that on 5-7-88, he credited Rs. 3,930 to the credit of Mis. Sivaganga instead to the account of K. Ponniah and thereby fraudulently pilfered the accounts, and caused misappropriation by his Srilankan friends. (4) On 5-7-88 he prepared a credit voucher of Rs. 3,857 favouring the account of Miss. Sivaganga against the Pay order in favour of K. Vigneswaran and thus gave a fraudulent credit to Ms. Sivaganga. 5. On 20-8-88, he entered a foreign instrument in favour of Sivapalan in the register in favour of Sivagnaga, prepared a credit voucher of Rs. 6,483.25 in her favour and thus fraudulently gave credit to a wrong person. 6. On 16-7-87, he credited Rs. 7,007.55 in the account of Vijayamanoharan instead of Ponamma-Sadasivam and after 27 days remitted Rs. 7005 to her account, that on 22-7-87, he fraudulently credited Rs. 6,491.40 to the account of Balakumar instead of the account of Bhagirathan that on 21-8-87, he provided credit for Rs. 6,857.40 to the account of Balakumar instead of Krishnaswami, that on 31-10-87, he fraudulently credited Rs. 2940 to the account of Malathi instead of P. Chandrasekaran; On 15-9-87, he credited Rs. 5,036.90 to Balakumar whereas the proceeds were in favour of T. Logeswaran. It was also charged that the proceeds of the above non-transferable instruments were fraudulently credited to the accounts of third parties even when the true payee had account in the branch and thus caused loss to the customers or exposed the bank to serious loss. It was also charged that in certain cases he arranged remittance on a later date to void detection of the fraud. 7. That he received the letters and other postal articles addressed to the personal name of the branch manager with an intent to pilfer the instruments sent for credit. 8. That he brought several Savings Bank Accounts opening forms signed by some persons, got the accounts opened, without upholding the formalities and used such accounts for his fraudulent transactions/fictitious credits. The workman was charged that he was guilty of misconduct under Clause 19.5 (d) (e) (j) of the I Bipartite Settlement, 1966. To this charge, Exhibit M-1, the workman gave an explanation dated 11-12-89 under Exhibit M-2 admitting the charges levelled against him. He had only stated that in certain cases he had done so at the instance of the real beneficiaries and that he was also producing letters from some of them evidencing the same. But, in paragraph 2 of Exhibit M-2, he has stated that he was not technically correct in doing so, he has admitted in paragraph 3 that he had given wrong credits to help the poor families, who were in helpless situation and therefore in a moment of misjudgement he gave them these extraneous credit. He has also stated that the wrong credits have been regularised. He has also stated in paragraph 9 that these credits were given in good faith at the request of the actual beneficiaries without any loss, and in order to help the refuges. He has also stated in paragraph 11 that the wrong credits were afforded only as temporary adjustments and all of them were regularised in the shortest possible time. In Paragraph 13 he has admitted that he had done these rare wrong in weak moments of misjudgement to help persons who promised to remit back the money. He has also stated that while giving these extraneous credits temporarily he always saw to it that the money was credited to

the true beneficiary at the earliest, and that there was no loss either to the Bank or the beneficiary. He has also stated in paragraph 7 that he has been accepting registered letters for a long time, that he was asked to do so that was done with the knowledge and consent of the superiors. In paragraph 11 he has stated that these minor and temporary abberations done in a wrong understanding may be condoned.

12. The domestic enquiry was held on 1-3-90. The proceedings of the enquiry has been marked as Ex. W-4. Ex. W-4 shows that on that day, the Charge sheet was read out to the workman, and he was asked to state whether he accepts them. It also shows that he had accepted all of the charges, and had given a submission in writing. The submissions made by him in writing on 1-3-90 have been marked as Ex. M-5. In Ex. M-5 also he has admitted that he had done these things at the request of the beneficiaries. He had also undertaken to make good to the Bank any claim from any of them at any time in future. He has also raised the same point that he wanted to help the refugees as mentioned by him in his explanation Ex. M-22. He has specifically stated that he had erred on over-reached, perhaps was bearing in going out of the way to help others, and that he has realised where and how he erred. He has also stated that he has been punished and is regretful and has changed. He has sent another letter dated 23-3-90 to the Enquiry Officer wherein also he has admitted about the diversion of the monies to the wrong accounts. He has stated on paragraph (c) that he had voluntarily readily and totally owned up these wrong-doings without involving or trying to involve any other employee of the Bank. He has stated in Paragraph (d) that he always ensured and without fail saw to it, that they had credited the money back to the real beneficiaries accounts at the earliest possible time. He has also stated there that it was just a temporary adjustment which he realises, he was not empowered to do, but this he did in weak moments of misjudgement and misguided philanthrophy.

13. The Enquiry Officer gave his finding Ex. M. 4 holding him guilty of the charges. A perusal of Ex. M. 4 shows that the Enquiry Officer has pointed out that he accepted the charges and had given a written submission. He has also extracted the salient features of the written submissions made by the workman. The Enquiry Officer found that the Bank had to restore the wrong credits and has also pointed out that the true account holders are liable to loose interest.

14. If we take into consideration, the fact that specific charges made against the workman stating that he gave wrong credits of substantial sums of money, his explanation that he wanted to help the poor and needy cannot at all be accepted. Even if the amounts were remitted subsequently to the credit of real beneficiaries, that cannot set right the misconduct by him. He had no authority to do so, and even if his statement that he wanted to help the poor is true, he cannot do so by resorting to such misconducts. Further, there is no evidence whatsoever to show that the real beneficiaries in any of the cases of such wrong entries authorised him to do so. The mere production of some letters in this behalf will not help. If they are to be accepted as true, because the workman had no right to divert the funds of one constituent to another consituent either real or fictitions. So in these circumstances, I find that this is a clear case where the workman has committed gross misconduct in diverting the funds of one constitutent of the bank to another who was not concerned with those funds. The fact that he had subsequently arranged for remittance of the amount to the credit of the right person will not mitigate the seriousness of the misconducts committed by him.

15. But, the learned counsel for the workman contended that the enquiry officer merely relied upon the admission of the workman and found him guilty without directing the Management to prove the misconduct. He therefore, contends that the findings of the Enquiry Officer has to be certified. He relied upon the decision in NATAVAR BHAI S. MAKWANA Vs. UNION BANK OF INDIA AND OTHER (1984 I-LLJ 296) wherein it was held that disciplinary proceedings by the Department are in the nature of quasi criminal proceedings and therefore proof of the facts constituting misconduct have got to be emphasized and that ordinarily admissions alone cannot be regarded as sufficient proof of misconduct as well the facts consituting the misconduct. But, the learned counsel for the respondent on the other hand relied upon the decision of the Supreme Court in CENTRAL BANK OF INDIA Vs. KARUNAMOY (AIR 1968 SC 266) wherein it was held that if the allegations are denied by the workman the burden of proving the truth of the allegations will be on the Management. But if the workman admits his guilt to insist upon the Management to let in evidence about the allegation, will only be an empty formality. Therefore, the contention of the workman that he should not have been found guilty on the basis of his admission cannot be accepted. Further, we find, from the finding Ex. M.4 that the Enquiry Officer apart from considering the admission made had also considered the statement given in writing by the workmen and also the statement given in reply by the Management. It is not as if the workman wanted to let in any evidence and he was prevented from doing so. So, it cannot be also stated that he was found guilty merely on the admission. Another contenion put forward in that copies of complaints and report were not placed before the Enquiry Officer to prove his case and that he was also not furnished with them cannot also hold water in view of the specific admission made by him of the charges leveled against him.

16. The contention that there was no loss either to the Bank or to the real account holders cannot also be accepted. He had committed mis-appropriation or helped committing of misappropriation by diverting the funds improperly. The amounts were remitted back into the account of the real account holder after some time even according to the workman. The real account holder had suffered loss of interest for so much of time when the money was not credited into his|her account. This apart the workman cannot justify his misconduct or diverting the accounts of one account holder to that of another on the ground that there was no loss to the bank. The Bank is exposed to the possibility of loosing the account when the account holders come to know of such fraudulent or improper diversions of their money into the account of somebody else. So, the action of the workman is likely to involve the bank in serious loss and prejudicial to the interest of the bank. Had the amounts not been remitted back, it is the Bank which is bound to make good the loss to its constituents. So, this contention of the workman cannot also be accepted.

17. Another contention put forward by the workman is that the respondent had not furnished the copy of the Enquiry report to the workman before imposing the punishment. The petitioner relied upon the decision in UNION OF INDIA Vs. E. BASHYAM (1988 LAB. I.C. 1702) UNION OF INDIA AND OTHERS Vs. MOHAMMED RAMZAN KHAN (1991 Lab. I.C. 308) in support of his contention. The Hon'ble Supreme Court in S. P. VISWANATHAN Vs. UNION OF INDIA & OTHERS [1992 SCC (L & S) 155] held that the decision in Mohammed Ramzan Khan's case referred to above decided on 29-11-90 has only prospective effect and hence the termination order passed before that date is unassailable on the facts of the case. That was also a case, the non-supply of the copy of the enquiry report to the delinquent before passing the termination order was questioned and it was held accordingly. In the present case, the order of dismissal was passed under Ex.M.9 on 30-6-90. Therefore, on this ground also, the workman cannot succeed.

18. The learned counsel for the workman next contended that the workman was not given a personal hearing before the order of dismissal was passed. Clause 19.12 of the Bipartite Settlement also provides that the workman shall be given a hearing as regards the nature of proposed punishment in case a charge is established against him. But we find that under Ex. M-7 dated 30-4-90, the preliminary order was passed by the Disciplinary Authority proposing to impose punishment of dismissal and calling upon him where in show cause against the same. To this the workmen has sent a reply under Ex. M-8 dated 11-6-90 wherein the workman had stated that he realises now that he had gone out of the way that he had done things without strictly following the branch procedures, and that he may be awarded a reasonable and proportionate punishment and not the maximum punishment. Therefore, we find that he has been given an opportunity to say whatever he has got to say with regard to the nature of the proposed punishment and

he has also availed the opportunity. He has not asked for a personal hearing. Therefore, it cannot be stated that he has not been given a personal hearing and therefore, the dismissal order is bad. Further, the workman is not able to make out the prejudice that could have been caused to him by such refusal. In his evidence before this Tribunal, he had only stated that if he had been given a personal hearing, he would have asked for showing sympathy. Therefore, it is clear that in the circumstances, of the case where he has committed acts of gross misconduct, it cannot be stated that even the personal hearing for invoking the sympathy of the respondent would have helped him. In fact it did not help him. It is also evident from the fact that he preferred an appeal against the order of dismissal and that was also dismissed. The workman admitted before the Tribunal that in the appeal he asked for a personal hearing, and that the same was given to him. Therefore, it is clear that he was also not prejudiced in this regard.

19. One other contention put forward by the workman is that he had mobilised huge deposit for the Bank and that has not been taken into account and that his past record has also not been taken into account. But, the every acts of gross misconduct committed by the workman being so serious, they themselves warrant the punishment of dismissal, and any amount of good service rendered by him in the past, and the fact that he had mobilised deposits for the Bank will not be of any avail to him. So, this contention also cannot be accepted.

20. At the time of the enquiry before this Tribunal, the workman (WW1) stated in his evidence that he made these credit entries not on his own but at the instance of Mr. Bashyam the Branch Manager and Jayaraj another Manager. He stated that he made them only due to the advice of the two Officers. But in cross-examination, he admitted that he had not stated elsewhere that he gave wrong credits on the instructions of the Superiors. Therefore, the attempt of the workman now to shift the mistake on the part of the Managers is unacceptable.

21. With regard to the enquiry report, he had admitted that he had not mentioned anything about it in his reply Ex. M-8. He has also admitted that he did not ask for a personal hearing. This is a case where he has admitted his guilt and naturally the finding will only be that he was guilty. Therefore, now to take advantage of the failure to furnish the enquiry report will be of no avail to him, as it cannot be stated to have prejudiced him also.

22. As pointed out already, the misconduct being serious, and having been committed repeatedly, deserves to be treated severely. Otherwise the confidence of the constituents in the Bank itself will be shaken. Therefore I find that the punishment of dismissal is only proportionate and does not warrant any modification. There is nothing to show that the enquiry was not fair.

23. In the result, I find that the dismissal of Sh. P. V. Raman Pillai Head Clerk, from services of the Bank with effect from 30-6-90 is justified and he is not entitled to any relief. An award is passed accordingly. No costs.

Dated, this the 18th day of April, 1994.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.M.1.—Thiru P. V. Raman Pillai;

For Management :

M.W.1.—Thiru B. Govind Krishna Kumar.

DOCUMENTS MARKED

For Workmen :

Ex. W-1/2-8-90.—Appeal preferred by Thiru P. V. Raman Pillai against the Order of Punishment (Xerox copy).

Ex. W-2/9-11-90.—Order of Appellate rejecting the appeal (Xerox copy).

Ex. W-3/11-3-91.—Dispute raised by the Petitioner-Union before the Regional Labour Commissioner (Central), Madras-6 against the punishmnet of dismissal of Thiru P. V. Raman Pillai (Xerox copy).

Ex. W-4/1-3-90.—Proceedings of the Enquiry Officer (Xerox copy).

Ex. W-5/1-3-90.—Brief submitted by the Presenting Officer to the Enquiry Officer (Xerox copy).

For Management :

Ex M-1/17-11-89, 27-11-89.—Charge memo issued to Thiru P. V. Raman Pillai.

Ex. M-2/11-12-89.—Explanation by Thiru P. V. Raman Pillai to Ex. M.1.

Ex. M.3/7-1-90.—Enquiry Notice issued to Thiru P. V. Pillai (copy).

Ex. M.4/7-4-90.—Findings of the Enquiry Officer (Xerox copy).

Ex. M.5/1-3-90.—Explanation by Thiru P. V. Raman Pillai addressed to the Enquiry Officer (Xerox copy).

Ex. M.6/23-3-90.—Letter from Thiru P. V. Raman Pillai to the Enquiry Officer (Xerox copy).

Ex. M.7/30-4-90.—Prelminary order issued by the Disciplinary Authority to Thiru P. V. Raman Pillai.

Ex. M.8/11-6-90.—Reply by Thiru P. V. Raman Pillai to Ex. 7.

Ex. M.9/30-6-90.—Dismissal order issued to Thiru P. V. Raman Pillai.

नई दिल्ली, 1 सितम्बर, 1994

का.आ. 2503 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम हैदराबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-94 को प्राप्त हुआ था।

[संख्या एल-40012/96/91-आई.आर. (डी.यू.) (पी.टी.)]
के.वी.बी. उन्नी, डैस्क अधिकारी

New Delhi, the 1st September, 1994

S.O. 2503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom, Hyderabad S.P.O. Rural) and their workmen, which was received by the Central Government on 31-8-1994.

[No. L-40012/96/91-IR(DU)(Pt)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Shri Y. Venkatachalam M.A.B.L., Industrial Tribunal-I.

Dated : 22nd day of August, 1994

Industrial Dispute No. 64 of 1991.

BETWEEN

Sri P. Sattaiah, S/o Rajaiah,
Charlapaguatta, Via Ibrahimpatnam
Ranga Readdy District, A. P. —PETITIONER

AND

1. Sub-Divisional Officer,
Department of Telecommunications
(Rural) Hyderabad (Rural).

2. The Divisional Engineer, Telecom,
Hyderabad (Rural),
Hyderabad-500050 —RESPONDENTS

APPEARANCES :

Shri C. Suryanarayan, Advocate for the Petitioner-Workman.

M/s. M. Panduranga Rao and B. G. Ravinder Reddy, Advocates for the Respondents-Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/95/91-IR.D.II, dt. 13-11-1991 referred the following dispute under Section 10(1) (d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Telecom, Hyderabad and their workmen to this Tribunal for adjudication :

"Whether the management of sub-divisional Office (Rural) Telecom, Hyderabad, is justified in terminating the services of Shri P. Sattaiah, Ex-Casual Mazdoor, w.e.f. 1-9-90 ? If not, to what relief the workman concerned is entitled to ?"

2. The brief facts of the claim statement filed by the Petitioner read as follows.—The Petitioner's claim for reinstatement in service is based on the fact that the Respondents have recruited and employed him from 1-2-1986. During several months of his employment, the Petitioner was not given paid weekly offs and in some months he was employed on all the days including his weekly off days without payment of over time wages for such days. After his recruitment, the petitioner was kept idle, without any employment, due to cessation of work for departmental reasons not attributable to him. The Petitioner was retrenched from service w.e.f. 1-9-90 on the ground that he suffered from break in his service due to his prolonged absence from November 1986 to January 1990 (during which period he was sick and under treatment) and that on account of the break he became a fresh recruit in 1990. The Petitioner submits that in view of the provisions of Section 25-B of the I. D. Act and the judgement dt. 4-5-88 in OA No. 529 of 1988 of the Principal Bench of the Central Administrative Tribunal, New Delhi, he should be deemed to be in continuous service till the date of his retrenchment. Notwithstanding the aforesaid direction of the Supreme Court, the Petitioner was refrenched from service on the fallacious ground that he was recruited after 30-3-85, the date on which the Director-General imposed ban on fresh recruitment/employment of Casual Mazdoors. The retrenchment was without complying with the mandatory provisions of Section 25-F of the I.D. Act. The Petitioner submits that after absorbing serveral mazdoors, the Telecom Department issued orders No. 269-10/89-STN. dt. 7-11-1989 to grant temporary status to those who could not be absorbed in the regular establishment for want of vacancies. It is thus clear that comtinuous one year service as Casual labourers in the Telecom Department entitles them to temporary status pending their absorption in the regular establishment of the Department, according to their turn in the seniority list Casual Madzoors of a recruitment unit and for preparing the seniority list the Director-General issued separate orders. The petitioner therefore plays that this Hon'ble Tribunal may be pleased to hold and declare that his retenchment is illegal and to direct the Respondents herein to reinstate him in service with full back wages, continuity of service, protection of his seniority and all other benefits which are consequential and/or incidental to such reinstatement and to pass the Award accordingly.

3. The brief facts of the counter filed by the Respondents read as follows.—It is submitted that reference made by the Government is neither maintainable in law nor on facts of the case. There is no termination of the services of the petitioner as he was only a casual employee and therefore the reference is liable to be struck down. The petitionar worked as a casual mazdoor on the following days : 1986 : January Nil, February 28 days, March 31 days, April 30 days, May 17 days, june Nil, July 16 days, August 10 days, September 30 days and October 20 days. 1990 : Januray and February Nil, March 31 days, April 25 days, May 25 days, June 25 days, July 25 days, August 25 days, September and October Nil. The Petitioner was engaged as a casual mazdoor on the above basis. The casual mazdoors are engaged in the work of laying of cables, erection of poles, etc. This work is not continuous in nature and will be varying. It is for the casual mazdoor to come and enquire for the work and as and when it is available, it will be allotted to him. It is submitted that there is no question of terminating the services of a Casual mazdoor as the very nature of the job indicates that the work is not continuous. The petitioner never completed 240 days in a year as alleged by him in his petition. The petitioner was absent from duty right from November 1986 to March 1990. He came for work only in the year 1990. It is submitted that the Petitioner's service were never terminated as contended by him. The various judgements cited by him are not applicable to the fact and circumstances of the case. The provisions of Section 25-F of the I.D. Act are not applicable to the facts of the present case, and the petitioner is not entitled to any relief. It is therefore, prayed that this Hon'ble Tribunal may be pleased to pass an Award holding that the petitioner is not entitled to any relief.

4. The point for adjudication is whether the Respondent is justified in terminating the services of Sri P. Sattaiah Ex-Casual Mazdoor w.e.f. 1-9-1990 ?

5. No oral or documents evidence have been adduced by the Petitioner or Respondents. Though several adjournments were granted the Petitioner has not availed the opportunity of claiming their rights. Even on 19-8-1994 the Petitioner did not argue the matter when the matter is called, the Advocate for the Petitioner is not present. The Petitioner is called absent. There is no representation on their side. Petitioner arguments are closed. The arguments of the Advocate for Respondent are heard.

6. At the very outset, I would like to mention that the petitioner has not filed any documents or adduced any oral evidence to substantiate their case, inspite of giving several adjournments. I feel that there is no reason for the Tribunal to grant some more adjournments since the petitioner is not forth coming to contest their case. I hold that the Petitioner is not entitled to any relief.

7. In the result, the Management of Sub-Divisional Office (Rural), Telecom, Hyderabad, is justified in terimnating the services of Sri P. Sattaiah, Ex-Casual Mazdoor, w.e.f. 1-9-90 and the concerned workman is not entitled to any relief.

Award Passed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 22nd day of August, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL.

नई दिल्ली, 2 सितम्बर, 1994

का.आ. 2504 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-09-94 को प्राप्त हुआ था।

[एल-34011/02/88-डीआईबीए/डी-III बी]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd September, 1994

S.O. 2504.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 2-9-1994.

[No. L-34011/02/88-D.IV-A/D.III B]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 17th day of August, 1994

INDUSTRIAL DISPUTE NO. 24 OF 1992

BETWEEN

The General Secretary, Port and Dock Employees Assocation, Rama Padma Nilayam, Door No. 14-25-32A (Upstairs) Dandu Bazar, Maharanipeta, Visakhapatnam-530002 —Petitioner

AND

The Chairman, Visakhapatnam Port Trust, Visakhapatnam-530002 .. Respondent

APPEARANCES :

M/s. G. Bikshapathy, G. Vidyasagar, V. Vishwanatham and G. Girikrishna and G. Ravi Mohan, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P. V. K. Kishore Babu, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-34011/02/88-D.IV A/D.III (B), dated 26-5-1992 and the Corrigendum even number dated 13-7-1992 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the Management of Visakhapatnam Port Trust, Visakhapatnam and their Workmen to this Tribunal for adjudication :

"Whether the demand of the Port and Dock Employees Association for withdrawing punishments imposed against S/Sri A. Rahaman, S. Appalanarasimham, B. Krishna Rao, S. Sridhara Rao, D. Ch. N. Murthy, M. A. Mazid, P. Gurunatha Rao, N. Appala Naidu and Ch. Anjaneya Reddy by the Management of the Visakhapatnam Port Trust is justified ? If not to what relief the said workmen are entitled ?"

This reference was registered as Industial Dispute No. 24 of 1992 and notices were served on both the parties.

2 The brief facts of the claim statement filed by the Port and Dock Employees Association read as follows :—

It is submitted that the Petitioner is a Trade Union having been registered under the provisions of Trade Unions Act, with substantial number of workmen at Visakhapatnam Port Trust. There were number of pending issues from 1970 onwards, the management has not been settling the same and thereby delaying the matters. The Union, after having reminded the management on several occasions, decided to ventilate their grievances. Accordingly, the programme of agitation was issued to the Respondent by the Union vide their letter dated 25-2-1984. According to the programme, the demonstration was scheduled on 21-5-1984, and indefinite hunger strike would be undertaken by the General Secretary from 11-6-1984. The programme was carried out as per schedule. The General Secretary went on indefinite hunger strike from 12-6-1984. On 22-6-1984, he was arrested by the Police and he was removed to King George Hospital, Visakhapatnam. Even in the hospital also, the General Secretary continued to be on hunger strike for six days. At the intervention of the then union Transport Minister, the hunger strike was withdrawn on the assurance that the demands would be considered in due course. The Union made several representation to the Government that on account of wrong policy adpted by Sri Sarma, Plant Manager, the performance in the Complex is decreasing day by day. On account of this compliance coupled with agitational programmes undertaken by the Union, the said officer developed prejudice against the Union and started by harassing and victimising the office-bearers and active members of the Union. Thus, number of employees were issued with charge sheets on filmsy and minor issues and they were magnified into major misconduct. On the basis of untenable representation, displinary actions were initiated on number of employees and illegal punishments were imposed. Since the punishments imposed were not sustainable nor the charges were held to be substantiated, the Petitioner Union took up the issue with the Assistant Commissioner of Labour (Central) for his intervention to withdraw the orders of punishment passed on the emplovees. A strike notice was issued on 30-9-1987. As there was no meeting point, the conciliation ended in failure. Hence the reference. It is submitted that the Petitioner workman Sri A.Rahaman, Operator Grade I is General Secretary of the Port and Dock Employees Association from 1970 onwards. The management adopted victimising attitude on the employee for Trade Union activities. The said petitoner workman was dismissed from service in 1971 and subsequently, reinstated in pursuance of the Award of the Industrial Tribunal, in 1976. He went on hunger strike in 1971 and in 1975 also. In the present, the petitioner workman being the General Secretary of the Union, issued an agitational programme in pursuance of which he went on indefinite hunger strike from 12-6-1984 onwards and subsequently withdrawn at the intervention of the then Hon'ble Central Transport Minister. While, so, the employee was placed under suspension on 12-3-1985 pending enquiry. He was issued with a charge sheet on 21-3-1985 on the alleged charges. The petitioner workman submitted explanation to the charge sheet on 3-4-1985. Thereafter an enquiry was conducted and the management examined 9 witnesses and 5 witnesses were examined on behalf of the workman. The Enquiry Officer found Charge No. I and II not proved. The Disciplinary Authority, the Chief Mechanical Engineer, issued show cause notice dated 5-12-1985 along with the findings of the Enquiry Officer. The workman submitted explanation on 5-7-1986. Finally on 27-1-1987 disciplinary authority passed the order imposing the following punishment :

"The pay of Sri A. Rahaman is reduced to Rs. 1087.00 from 1-1-1989 in the scale of Rs 795—1359, for a period of 2 years without cumulative effect, with effect from the date of issue of these proceedings. The employee was working as Operator Grade-I at the relevant time."

Aggrieved by the order of the disciplinary authority, the employee preferred an appeal to the Chairman, Visakhapatnam

Port Trust, who is the Appellate Authority under the C.C.A. Rules, on 7-3-1987. The Appellate Authority while confirming the punishment, held that Charges I and II are also proved. There is no provision under the CCA Rules, empowering Appellate Authority to defer with the findings of the disciplinary authority and give his own orders. Such power is only vested with the Disciplinary Authority. Therefore, the findings of the Appellate Authority with regard to charges I and II need not be gone into, as they are not in conformity with the CCA Rules. Even otherwise, it is submitted that the findings of the Appellate Authority were absolutely perverse and they are based on unreasonable grounds. The Appellate Authority is precluded from going into the validity of the findings of the Enquiry Officer in the appeal stage. It is submitted that Charge No. III as proved against the employee is that the employee threatened the Plant Manager on 12-3-1985 at about 3.45 P.M. It is submitted that the employee was suspended on 12-3-1985 itself. Therefore, the very charge itself is unbelievable. Even otherwise, in the enquiry, the Plant Manager came as a witness and the Enquiry Officer is the Deputy Chief Mechanical Engineer, who is the officer lower to the rank of the Plant Manager. Except the Plant Manager, no other witness who are examined on behalf of the management, deputed that the employee threatened the Plant Manager. That apart, the evidence of defence witness clearly establishes that the employee has not threaned the Plant Manager at the site office. The Enquiry Officer did not consider this aspect at all and only based his finding on the sole testimony of the Plant Manager. When his testimony was not corroborated by the management witness, it is quite but natural the enquiry officer ought to have held the charge as not proved. Threfore, it is submitted that the findings of the enquiry officer as accepted by the disciplinary authority that charge No. III stands proved against the employee is absolutely untenable and unjustified. The Enquiry Officer as well as the disciplinary authority ought to have held that the charge was not proved. The employees submitted detailed explanation, to the show cause notice, bringing out in detail the difficulties and infirmity of the enquiry report. But none of the contentions were discussed by the enquiry officer and passed a normal order without giving any reasons, either for rejecting or accepting submissions of the employees. Thus the order of punishment dated 22-1 1987 is wholly illegal, arbitrary, unjust and vitiated by bias. Hence the order of punishment as confirmed by the Appellate Authority dated 20-7-1987 are wholly illegal and liable to be set aside. It is further submitted that as per the punishment, the pay of the employee has been reduced and his increments were withheld . But the increments which fall due subsequent to the punishment were also illegally withheld for two years, which is nothing but aggravating the punishment. Hence it is prayed that the Hon'ble Court may be pleased to set aside the order of punishment dated 22-1-1987 passed by the Chief Mechanical Engineer as confirmed by the Appellate Authority dated 20-7-1987 and grant such other relief or reliefs as this Hon'ble Court deems fit and proper.

It is submitted that the employee Sri S. Appala Narasimham, Assistant Foreman is an active member of the Petitioner Union. He was suspended from service on 6-6-1985. Thereafter a charge sheet was issued to him on 29-6-1985. The employee submitted the detailed explanation to the charge on 6-7-1985. However, an enquiry was ordered by the Disciplinary Authority. During the enquiry, 7 witnesses were examined on behalf of the management and one witness was examined on behalf of the employee. The Enquiry Officer had stated that the charge is partially proved. The charge contains that even though Sri Appalla Narasimham was informed to stay on by the Plant Superintendent (Mechanical) to record his statement, he left the Plant without regard to the instruction of his superior. To support the contention, only one witness, the Time Keeper, was examined. As per rules in vogue, whenever telephone message is received from the officer, they are noted down in the phone Message Book. On 6-6-1985 the Phone Message Book did not contain any noting to the effect that the employee was required to stay on till the Plant Manager comes. Therefore, obviously a false charge was framed against the employee. It is further submitted that the employee was suspended from service on 6-6-1985 and on the next day i.e. on 7-6-1985 the statement of Time Keeper was taken. Thus, it shows the prejudicial mind of the management. Even in the Enquiry Report clearly states that there was no evidence to prove that the employee was entrusted with the job of operation. Therefore, he gave benefit of doubt to the employee. But, however, while granting benefit of doubt, he erroneously held that the charge was proved. The said finding was absolutely perverse. The petitioner workman submitted explanation to the show cause notice dated 8-1-1980. But, however, without considering the number of objections raised by the employee, the disciplinary authority passed an order dated 3-2-1987, imposing the punishment of reduction of pay to Rs. 1380.00 from Rs. 1460.00 in the scale of pay of Rs. 880—1542 for a period of one year without cumulative, effect, with effect from the date of issue giving any reasons rejected workman's appeal on 23-7-1987, confirming the order of punishment passed by the Disciplinary Authority The punishment was based on the illegal findings of the Enquiry Officer is not sustainable in law and hence it is liable to be set aside. Therefore it is prayed that the Hon'ble Court may be pleased to set aside the order of punishment passed by the Disciplinary Authority dated 3-2-1987 as confirmed by the Appellate Authority dated 23-7-1987 and pass orders as this Hon'ble Court deems fit and proper.

It is submitted that the employee Sri B. Krishna Rao, Operator Grade II is an active member of the Petitioner Union and he has been actively participaing in the trade union acivities conducted by the Petitioner Union. While so, he was placed under suspension on 13-3-1985 pending enquiry, Thereafter a charge sheet dated 21-3-1985 was issued to him, to which he submitted his explanation on 2-4-1985. The charge as per the charge sheet is that the employee is alleged to have beat the Time Keeper Shri G. Surya Rao on 12-3-1985, who was talking with General Secretary of the Petitioner Union. During which period the General Secretary of the Petitioner Union was under suspension. The said Time Keeper made a Police complaint and as there was no substance in the complaint, the Police closed the complaint. However the management continued with the departmental enquiry. The Enquiry Officer having held that there was no intention of the employee to beat the complainant, held that the charge is partially proved. The said finding is illegal and run counter to the evidence on record. However, the employee submitted detailed explanation to the show cause notice dated 23-4-1986, bringing out varoius infirmities in the findings of the Enquiry Officer. Without considering such objections, the disciplinary authority passed on order dated 10-6-1986, imposing the punishment of reducion of pay to Rs. 855.00 from Rs. 985.00 in the scale of pay of Rs. 725—1257, for a period of 2 years with cumulative effect with effect from the date of issue of the proceedings. Against the said proceedings, the employee filed an appeal to the Chairman on 28-7-1987 and the same was rejected without giving any reasons on 10-2-1987. The order of punishment based on the findings of the Enquiry Report is absolutely illegal and untenable. The E. O. have clearly stated that it is not motivated or itentional. It is clear that the finding of the Enquiry Officer that the charge is partially proved is not sustainable in law. It is prayed that the Hon'ble Court may be pleased to set aside the order of punishment passed by the Disciplnary Authority dated 10-6-1986 as confirmed by the order of the Appelate Authority dated 10-2-1987.

It is submitted that Sri S. Sridhar Rao, Operator Grade-II is the Committee Member of the Petitioner Union and he has been taking active part in the Trade Union activities conducted by the petitioner Union. While so, he was suspended from service from 6-6-1984 pending enquiry, a charge sheet was issued on 3-7-1988 alleging that he pasted a poster on 23-6-1984 on the wall of the Ore Handling Complex Canteen and that the said poster contained indecent, vulgar and abusive language. A similar charge sheet was also issued to Sri M. Ramesh Babu, Operator Grade-II. A joint enquiry was conducted in respect of both the employees The Enuqiry Officer found him guilty of the charges and in respect of other employee, he was not found guilty. The witnesses examined in support of the charges are from AITUC Union, which is a rival union and there is no report by any officer about the pasting of the poster. The poster was not exhibited in the enquiry. The only witness relief on is MW-1 who was on weekly day off and was not on duty on the day of alleged incident. Therefore, on the basis of the evidence of the given against the employee, finding guilty of charges, The petitioner workman was issued with a show cause notice dated 31-3-1987

to which he submitted an explanation. Finally, the disciplinary authority passed an order without giving any reasons on 21-2-1986, imposing the punishment of reduction of his pay by two stages from Rs. 933.00 in the scale of Rs. 725—1257, for a period of 2 years without cumulative effect, w.e.f. the date of issue of the proceedings. The employee preferred an appeal on 5-4-1986 to the Chairman and the same was rejected on 8-12-1986 without giving any reason. It is prayed that the Hon'ble Court may be pleased to set aside the order of publishment dated 21-2-1986 passed by the Disciplinary Authority dated 21-2-1986 as confirmed by the Appellate Authority in appeal dated 8-12-1986 and grant such other reliefs as deemed fit and proper.

It is submitted that Shri A. Appala Naidu, Shri T. J. M. is an active member of the Petitioner Union and the Management has not been relishing the activities of the employee in supporting the trade union movement undertaken by the petitioner Union. While so, the employee was issued with a charge sheet dated 9-8-1984 alleging that he did not report to the place inspite of the instruction given to him and that he used vulgar language on the superiors. The employee denied the charge and submitted explanation on 28-8-1984. An enquiry was conducted and only one witness was examined on behalf of the management. The sole witness who was examined clearly stated that the employee did not use any vulgar language but his tone was loud. Even the document which is relied on by the management and which is mentioned in the charge sheet, has not been exhibited in the enquiry and thus the enquiry conducted was highly arbitrary and violative of principles of natural justice. However, the E.O. found the petitioner workman guilty of charge partially. The said finding is absolutely illegal and untenable. However, the workman submitted detailed explanation to the show cause notice on 19-10-1986, making detailed objections with regard to the findings and the method and manner of conducting the enquiry. Aggrieved by the orders of the punishment, the employee preferred an appeal on 3-11-1986 and the same was rejected by the Chairman in a mechanical manner. It is submitted that the charge levelled against the petitioner workman is that he used vulgar language and failed to carry out the instructions of the superiors, the sole witness did not establish the charge and no document was placed even inspite of requests having been made by the employee. The Enquiry Officer in the analysis having been found that the employee used only loud voice, erroneously held that the charge is partially proved. It is further submitted that any operation from one place to another cannot be conducted by one person and it is a joint operation to be conducted by 5 persons. Under those circumstances, even when the 5 persons refused to work at the place alloted, no action was taken on the 4 persons and the petitioner workman has been made scape-goat. Hence it is submitted that the entire enquiry proceedings are vitiated and consequently the punishment is liable to be set aside. It is prayed that the Hon'ble Court may be pleased to set aside the order punishment passed by the Disciplinary Authority dated 29-10-1986 in proceeding as confirmed by the Appellate Authority by its orders in proceeding dated 7-12-1986.

It is submitted that Sri Ch. Anjayya Reddy, C.P. Grade I is an active member of the Petitioner Union and he has been participating in the activities of the Union. During June 1984 the General Secretary of the Petitioner Union was on hunger strike and thought performing of the supports were in an upset mood; yet they were discharging their duties without any complaint. In order to victimise the above employee, a charge sheet dated 28-7-1984 was issued alleging that he refused to go on third Tripller inspite of instructions from the authorities. The employee denied the charge and submitted explanation on 10-8-1984. Thereafter an enquiry was conducted. The employee requested the E.O. to furnish the document relied on by the management in the charge sheet. But the said documents were not furnished nor they were exhibited in the enquiry. There is no record whatsoever to show that the employee was asked to go on to the third Tripller and that he refused. The findings of the E.O. holding the employee guilty of the charge is absolutely illegal and untenable law. The employee submitted detailed explanation on 29-11-1985 to the show cause notice. But however the objections raised by the employee were not considered by the Disciplinary Authority and finally orders of punishment were passed on 7-8-1986 imposing the publishment of reversion of the employee of the next lower post. Against the said order, the employee filed an appeal to the Chairman. However, the Chairman passed an order on 23-10-1986, modifying the punishment and directed that the reversion of the employee shall be operative for a period of one year. When the charge itself is not sustainable in law, the punishment imposed by the disciplinary authority as modified by the Appellate Authority also fall to ground. It is prayed that the Hon'ble Court may be pleased to set aside the order of punishment dt. 2-8-1986 passed by the Disciplinary authority and as modified by the Appellate Authority in its proceedings dt. 16-9-1986 and pass orders as deemed fit and proper.

It is submitted that the workman Sri D. Ch. S. N. Murthy, Coupling Port Gr. II under Traffic Manager Department of Visakhapatnam Port Trust. During June, 1984 there was indefinite hunger strike by the General Secretary of the Union with regard to certain demands of the workmen in the V. P. T. Since the petitioner-workman has been actively involved in the Trade Union activities, the management developed grudge against the workman to penalise him on the ground or the other. The petitioner workman was on duty on 14-8-1984 at North Yard as Leave Reserver from 1600 hours to 2400 hours. He was asked to go to R & D. South Cabin which is about 5 Km. away from the North Yard, on the ground that there was shortage of workmen. The workman informed the superiors that he may be provided with transport, as it would be very difficult for him to walk for such a distance. It is submited that earlier to the workman, Sri S. Bhagwan Das, another Leave Reserver was asked to go to South Cabin to meet the shortage. But he came back stating that the South Cabin did not require any workman, as there was no shortage at all. It is submitted that the workman was suspended from service on 18-8-1984 and a charge sheet was issued on 27-8-84. The Petitioner workman submitted his reply on 5-10-1984. Thereafter his suspension was revoked on 19-11-'84. An enquiry was conducted into the charges. The management examined three witnesses in support of the charge. The workman gave statement in defence of his case. However, a show cause notice of removal was issued to the workman by the Traffic Manager on 1-8-1986. A reply was submitted by the workman on 30-8-1986. Finally punishment was imposed by the Traffic Manager on 5-9-1986 reverting the workman to the next lower post of Coupling Porter Grade-II. The workman filed an appeal to the Chairman on 22-10-1986. The Chairman modified the punishment as reversion for one year. The charges as framed against the workman are not established in the enquiry. The Enquiry Officer erroneously, without considering the evidence on record held the workman guilty of the charge. The finding of the Enquiry Officer is perverse and run counter to the evidence on record. Therefore, it is submitted that the punishment imposed on the petitioner-workman as modified by the Chairman, is illegal and unjustified and consequently declare the punishment imposed by the Traffic Manager on 5-9-1986 as modified by the Chairman on 19-11-1986 as illegal, arbitrary and unjust.

The workman Sri M. A. Mazeed, Asst. Foreman (Operation), in the Ore Handling Complex under the Chief Mechanical Engineer in Visakhapatnam Port Trust. The workman was on duty on 10-8-1985 in third shift from 2200 to 0600 hours next day. At

about 4.00 A.M. on 11-8-1985 he went for nature's call to the site office, as there was no water facility at H-H Bathroo mand came back within half-an-hour. By which time he noticed that Receiving Conveyor No. 3(R-3) was snapped. By the time concerned officials came to the spirit and made necessary enquiries and also the cause of snapping of R-3 conveyor. The workman was posted at H-II (Mechanical House II) and he is nothing to do with R. 3 conveyor. It is submitted that the workman was issued with the charge sheet dt. 21-8-1985 to which a reply was submitted by the workman on 2-9-1985. The enquiry was conducted into the charges. Five witnesses were examined on behalf of the management and only the workman was examined in defence of his case. The E. O. erroneously held that the charge was partly proved. That the incident did not take place at H-II where the workman was on duty. Though the charge of absconding was not proved, the E. O. held that the charges are partly proved. The findings of the Enquiry Officer are absolutely incorrect and perverse. It is contrary to the evidence on record. The witness examined by the management are not eye witnesses but only spoke on the basis of their personal knowledge. It is further submitted that on account of a plate which came into the conveyor belt and the jam of ore was understood to have taken place at Stacker-I, for which the workman is not at all concerned nor it is found fault. The Disciplinary Authority issued show cause notice dt. 23-10-1986, proposing reduction of pay by 4 stages for a period of 2 years without cumulative effect, to which reply was submitted by the workman on 22-11-1986. Finally the disciplinary authority imposed the punishment dt. 15-12-1986, reducing the pay from Rs. 1420.00 to Rs. 1260.00 for a period of 2 years without cumulative effect. On appeal to the Chairman, the period of punishment was modified and the reduction of 4 stages was reduced to one year without cumulative effeit. It is further submitted that a complaint was made by the management to Police about R-3 snapping and that the same was closed by the Police without further action. Hence the action amounts to victimisation and unfair labour practice. It is prayed that the Hon'ble Court may be pleased to set aside the order of punishment imposed by the disciplinary authority dt. 15-12-1986 as modified by the order of the Appellate authority dt. 20-4-1987 and grant such other reliefs as demed fit and proper.

The workman Sri P. Gurunadha Rao, Coupling Porter Grade-II in the Traffic Manaier Department of Visakhapatnam Port Trust. The petitioner-workman was not on duty on 20th June 1984 in support of the strike call given by the Union for one day strike on 20-6-1984. The workman was not reported for duty at all. However, he was issued with a charge sheet dt. 26-7-1984. The petitioner-workman submitted reply to the charge sheet dt. 6-8-1984 denying the charge. It is submitted that the workman is the Secretary of the Petitioner-Union and he is required to take active step in the strike call given by the Union. It is submitted that it is the first time when the adjournment was sought by the Defence Counsel throughout the enquiry. However, with victimising attitude the enquiry proceeded exparte and the Enquiry Officer found the workman guilty of the charges. The Disciplinary authority issued show cause notice on 6-9-1986 to which a reply was submited on 17-9-1986. Finally the Disciplinary authority imposed punishment on 6-10-1986 withholding the increments for 2 years with cumulative effect. On an appeal to the Chairman, the punishment was reduced by his order dated 26-11-1986 withholding the next grade increment for one year without cumulative effect. It is submitted that the exparte enquiry conducted by the management is wholly illegal, arbitrary and contrary to the CCA Regulations. Apart from this, the charge is framed against the workman is not sustainable, as no misconduct is alleged when the workman was not on duty. The allegation against the workman is that the obstructed the Railway Operating Sta: at the time of taking musters who were prepared to attend to duty and that the workman threatened them not to repor for duty. The appropriate and competent witness to speak to the charge would be the alleged railway operating staff. But in the instant case, no such operating staff were examined by the management or any report whatsoever given by them was filed in the enquiry. Only the Yard Master was examined, who is nothing but an officer of the Traffic Department and who is bound to give evidence in favour of the Management. Therefore, the finding that the workman obstructed the staff without the statement of the obstructed staff is obsolutely misconceived and not sustainable in law. Hence the finding of the Enquiry Officer are not only perverse and it is not based on any evidence, much less legal and valid evidence. It is respectfully submitted that the punishment as imposed by the Disciplinary authority dated 6-10-1985 and as modified by the Chairman dated 27-11-1986 is obsolutely illegal, unjust and uncalled for. Hence the punishment is liable to be set aside. Therefore it is prayed that the Hon'ble Court may be pleased to pass an Award setting aside the punishment imposed by orders dated 6-10-1985 and modified by the Appellate Authority orders dated 27-1-1986 and grant such other reliefs as deemed fit and proper.

3. The brief facts of the counter filed by the Respondent Management read as follows :—It is submitted that the allegation of charges referred to in the claim statement are correct. The workman Shri Rahman was placed under suspension w.e.f. 12-3-85 because of serious misconduct commited by him. The charge against him that he was irresponsible in leaving the workspot during his general shift on 18-2-1985 without obtaining permission of the competent authority and he thus failed to maintain obsolute devotion to duty. The second charge against him is that when he was placed under suspension, he came to the workspot and snatched away the muster forcibly from the Sr. Time Keeper Shri G. Surya Rao in the presence of Shri S. Sanyasi Naidu another Time Keeper. The third charge is that on 12-3-1985 along with the other workman Shri V. V. Narasimham, Shri Ch. Tata Rao, M. Narasimha Murthy. Shri K. Someswara Rao entered the chambers of the Plant Manager at O.H.C. site office and threatened him with dire consequences in the presence of other plant officer an Asst. Commandent, CISF. It is submitted that the workman had denied the charges levelled against him in his explanation dated 3-4-1985 submitted by him in response to the charge sheet issued to him, the case was remitted for departmental enquiry by the Disciplinary authority. While the departmental enquiry was in prgoress, his suspension was revoked w.e.f. 16-11-1985 by the Chairman.

V.P.T. and Appellate Authority. As per the findings of the enquiry officer, the Charges 1 and 2 were not proved and charge 3 was proved. The Disciplinary authority having agreed with the findings of the Enquiry Officer proposed to impose the penalty of reduction in pay by 3 stages for a period of 2 years without cumulative effect, by serving a show cause notice. After having carefully considered the representation dt. 5-1-87 submitted by him, in response to said show cause notice, the penalty of reduction of pay by three stages for a period of two years without cumulative effect was imposed on him by the disciplinary authority. When the workman preferred an appeal to the Chairman, V.P.T. the Appellate Authority, after considering he evidence on record and findings of the disciplinary authority, came to independent conclusion that the charges 1 and 2 were also established against the workman. The Appellate Authority issued a speaking order giving his findings on the charges levelled against workman. There was no violation of V. P. E. (CCA) Regulations 1968 as alleged by the workman. After having carefully considered with the findings of the Enquiry Officer, the Disciplinary authority issued show notice to the petitioner by proposing to impose on him the penalty of reduction of pay by three stages for a period of two years without cumulative effect. The appellate authority after considering the grounds appeal dt. 6-3-87 submitted by the workman and the material available on record, dissented with the findings of the Enquiry Officer on charges I & II and held that all the 3 charges were proved and confirmed the penalty imposed by the disciplinary authority even though strictly speaking the punishing could have been enhanced if all the three charges were held proved by the Appellate Authority against the findings of guilty of only one charge as held proved by the disciplinary authority. The allegation, the action taken by the Appellate Authority is contrary to CCA Regulations and Appellate Authority ought not to have taken such action is not correct. It is submitted that the statement of the workman that his increment falls to due subsequent to the punishment were withheld for two years is not correct. The pay of workman was reduced by 3 stages from Rs. 1189|- to Rs. 1087.00 w.e.f. 22-1-87 consequent on imposition of penalty. The annual increments due on 1-3-87 and 1-3-1988 during the currency of the penalty were not given but the 2 increments were given effect at a time soon after completion of the period of punishment i.e. on 22-1-89 and restoration to the original pay of Rs. 1189.00. Hence there was no victimisation of the workman as alleged in the claim statement. It is submitted that workman Sri S. Appala Narasimham was issued with a charge sheet for major penalty as he exhibited gross negligency and dereliction of duty and disregard to his superiors while on duty during III shift of 5-6-1985 which resulted in severe damage caused to the R3 conveyor belt and consequential loss to the Port property the charge sheet dt. 29-6-1985 may be read as part and parcel of the counter. That though the workman submitted detailed explanation dt. 5-7-85 in reply to the charge sheet issued to him, he did not accept the charge levelled against him as mentioned was not satisfied with explanation the case was remitted for departmental enquiry. The Enquiry Officer after having carefully considered all the evidence adduced during the course of the enquiry, discussed and analysed the points for determination and concluded his findings as charge partly proved. It is submitted that the workman Sri S. Appala Narasimham's statement that without considering the number of objections raised by the workman, the disciplinary authority passed an order dt. 3-2-1987 imposing the punishment of reduction of pay is denied, since no new points were brought out by him in his representation to the show cause notice. The workman preferred an appeal to the appellate authority viz., Chairman|VPT and the appellatt authority disallowed the appeal for after having considered the facts of the case carefully and duly furnishing detailed reasons there are through a speaking order. That there are no merits in the petitioners case as such the claim is liable to dismissed. It is submitted that the workman Sri B. Krishna Rao was issued a charge sheet for assaulting Sri G. Surya, Rao, Sr. Time Keeper in the presence of his co-time Keeper Sri S. Sanyasi Naidu and thereby exhibited gross misconduct unbecoming of a public servant. Since the the employee denied the charge in his explanation dt. 2-4-1985 submitted in response to the aforesaid charge memorandum as management was not satisfied with the explanation. As per the findings of the enquiry the report dt. 15-4-1986 submitted by the Enquiry Officer, the charge was held partly proved. The Disciplinary authority having accepted the findings of the enquiry officer, a show cause notice proposing to impose on him the penalty of reduction in pay by 5 stages for a period of 2 years without cumulative effect. Having carefully considered the representation dt. 13-5-1986 submitted by the workman in respect to show cause notice, the disciplinary authority did not find any reason, to change the proposed punishment as no new points were brought out by the delinquent workman the disciplinary authority imposed the proposed punishment. It is submitted that there are no merits in the allegations made with regard to the disciplinary action taken against Sri B. Krishna Rao and the mangement is right in passing the punishment order and the Petitioner is put to strict proof tioner is put to strict proof of the same. It is submerits in the allegations made with regard of the same. It is submitted that Sri S. Sridhara Rao, Operator Gr. II|OHC was placed under suspension when a disciplinary action against him and suspension was revoked subsequently. He was issued with the charge sheet for major penalty for having madeout and pasted a poster containing most indecent, vulgar and abusive language on 23-6-1984 on the wall of the OHC Canteen just beside the counter and other copy afterwards on the door of the allocation room of operating staff on 23-6-84 at about 12.30 hours. During the course of the enquiry, the State witnesses who are signatories of the report dt. 23-6-84 have categorically stated that they have not seen the co-accused Sri M. Ramesh Babu either writing the poster or posting the same. Hence the charge levelled against Sri Ramesh Babu was held not proved. Whereas in the case of delinquent workman, the charge was held partly proved, as per the findings of the enquiry officer. Thus after having carefully analysed the oral evidence adduced during the course of the enquiry and the materials available on record, that the Enquiry Officer concluded his findings and held that charge was partly proved. The Disciplinary Authority having accepted the findings of the Enquiry Officer issued show cause to the said work-

man proposing to impose on him the penalty of reduction in pay by two stages for a period of two years without cumulative effect. After having carefully considered the contents of the representation dt. 6-2-86 submitted by him in response to the show cause and as no new points were brought out by him in the said representation, the punishment proposed was imposed by the Disciplinary Authority. It is submitted that the claim has no merits and need not be considered by the Hon'ble Industrial Tribunal and Management is justified in giving the punishment of reducing him by two stages and the petitioner is put to strict proof of the same. It is submitted that the statement of the claimant union that Sri N. Appala Naidu is an active member of the Trade Union has no relevance to the present action taken against him for the specific misconduct and the petitioner is put to strict proof to of the same. It is submitted that a charge sheet for major penalty was issued to Sri A. Appala Naidu, CSM for refusal to carry out instruction of Yard Master (Bumper Yard) and for using vulgar language during the 1st Shift on 15-7-1984. As he denied the charge levelled against him, the case was remitted to departmental, enquiry. The Enquiry Officer held that the charge levelled against the delinquent workman was partly proved i.e. the part of charge that Sri N. Appala Naidu, CSM used vulgar language was not proved. The enquiry officer has prepared the proceedings, basing the documents and given his findings. The allegation that finding is absolutely illegal and untenable is not correct. The Disciplinary Authority issued a show cause notice proposing the punishment of removal from service. On the representation submitted by the delinquent wokman to the show cause, the Disciplinary Authority considered his case sympathetically and imposed reversion to the next lower post instead of removal from service proposed in the show cause notice. The delinquent workman also submitted an appeal to the Chairman, VPT who is the Appellate Authority. The Appellate Auhority after considering all material papers and evidence on record, modified the punishment of reversion to the next lower post and limited to one year. It is submitted that the claim has no merits and no relief need be granted to the workman as prayed for. It is submitted that Sri Anjayya Reddy is actively participated in the Union activities. The Petitioner Union made certain allegations to cover it as if Sri Anjayya Reddy was carrying away genuine trade Union activities, but the management is right to punish, because, Sri Anjayya Reddy acted contrary to V. P. E. (CCA) Regulations, as such the management initiated the disciplinary action. It is submitted a charge sheet for a major penalty was issued to Sri Anjayya Reddy, Coupling Porter Gr. I for his refusal to work at Third Tippler during the 1st Shift i.e. from 06.00 hrs. to 14.00 hrs. on 19-6-1984. The delinquent workman denied the charges in his explanation to the charge sheet. The case was remitted for departmental enquiry. In view of the findings of the Enquiry Officer, the Disciplinary Authority felt that Sri Anjayya Reddy is not fit person to continue in service and accordingly a show cause notice proposing punishment of removal from service was issued to him. However on receipt of the representation to the show cause notice, the Disciplinary Authority took a lenient view and to afford Sri Ch. Anjayya Reddy, Coupling Porter Gr. I an opportunity to improve, the Disciplinary Authority imposed on him the punisment of reversion to the next lower post. The Appellate Authority after having considered his representation material documents and evidence on record, modified the punishment of reversion to the next lower post for a period of one year. During the course of enquiry, all the relevant documents were supplied to the delinquent workman and his contention that documents were not furnished nor they were exhibited in the enquiry is not correct. The Petitioner Union's analysis of proceedings is not correct, and it has been done to suit to their own convenience. Management was justified in passing the order of the punishment for reversion and infact the Respondent-Port Chairman independently gone through the entire record and applied his mind and made punishment order. It may be noticed that to suit to the convenience of the petitioner-union, a situation has been described alleging its implications for the employee to go to the spot and conduct operation along on the alleged ground that 5 persons have to do. The management is justified and issued the punishment order. It is submitted that in all the above case of delinquent workman, the inquiries were conducted against the workman in accordance with the procedure laid down in V. P. E. (CCA) Regulations with due regard to the principles of natural justice. The findings of the Enquiry Officer were not perverse and were based only on evidence both oral and documentary and hence the punishments given were reasonable and not disproportionate to the misconduct committed by the workman. It is submitted that Hon'ble Tribunal may reject the claims of the claimant union, as punishments imposed on the workman were legal and valid but not arbitrary and unjust as alleged in the claim petition. The workman concerned are not entitled any relief and the claims may be rejected as the same have no merits. It is submitted that Sri D. Ch. S. N. Murthy, Coupling Porter Grade-I Traffic Department was placed under suspension w.e.f. 8-8-84 pending disciplinary action contemplated against him. Subsequently a charge sheet for major penalty under Regulation 10 of V. P. E. (CCA) Regulations was issued to Sri Murthy C. P. Grade-I on 27-8-1984 on the charge that he refused to report at R&D Yard, South Cabin, to duty on 14-8-1984 between 16.00 and 24.00 hours as instructed by the A.Y.M. on duty. Later Shri Murthy asked on duty A.Y.M. to provide transport to go R&D Yard. The on duty A.Y.M. instructed Shri Murthy to go to R&D yard by VPT Loco No. 4 which was going to R&D Yard. But Sri Murthy refused to go to R&D Yard by that Loco. After that he has neither reported at R&D Yard nor reported to AYM North Yard for alternative duty and remained idle in the Canteen for the entire Shift without working anywhere between 16.00 hours to 24.00 hours on 14-8-1984. As he denied the charges levelled against him, the case was remitted to departmental enquiry by Sri G. Narasimhulu, ATM(R). The Enquiry Officer submitted his report dt. 8-3-1986 and the charges levelled against the workman was proved in the enquiry. On a careful consideration of the enquiry report, the Disciplinary Authority, while agreeing with the findings of the enquiry officer, issued a show cause notice proposing his removal from service. But after carefully considering the

representation of the workman, the Disciplinary Authority taking lenient view imposed on him the punishment of reversion to the next lower post of C. P. Grade-II w.e.f. 3-9-1986. The workman submitted an appeal to the Chairman, VPT and Appellate Authority and the Appellate Authority on carefully considering the appeal and relevant documents, modified the punishment of the workman to the reversion to the next lower post for a period of one year instead of indefinite to the lower post of C.P. Gr. II. It is submitted that disciplinary action was taken against the workman for specific misconduct committed by the employee on 14-8-1984 i.e. for not reporting to duty at R&D Yard as instructed by the Asst. Yard Master. It is submitted that the workman submitted his explanation dt. 5-10-1984. to the charge sheet dt. 27-8-1984 wherein he denied the charge. An enquiry was ordered against the workman by Sri G. Narasimhulu, ATN(R) and the charge was proved in the enquiry. The Disciplinary Authority issued him as show cause notice proposing his removal from service but after carefully considering his representation to the show cause notice, awarded him punishment of reversion to the next lower post of C. P. Grade-II. On appeal, the Appellate Authority modified the punishment of reversion to the lower post for a period of one year. It is submitted that the punishment imposed on the workman is legal and justified and the allegation that the punishment imposed is illegal, arbitrary and unjust is not correct. The Hon'ble Tribunal may be pleased to reject the claim of the Union in this regard. Sri M. A. Mazeed, Asst. Foreman (OP) OHC was charge sheeted for having exhibited utter carelessness and gross negligence while performing his legitimate duties and absconded from duty during the shift which resulted in snapping/failure of R-3 conveyor belt. As the workman did not accept the charge levelled against him, the case was remitted for departmental enquiry. As per the findings of the Enquiry Officer, the Charge-I levelled against the workman and Charge-II was partly proved. The Disciplinary Authority after accepting the findings of the Enquiry Officer issued a show cause notice to the workman proposing to impose on him the penalty of reduction in his pay by 4 stages for a period of 2 years without cumulative effect. On appeal by the workman, the Appellate Authority modified the punishment of reduction of pay by 4 stages for a period of one year instead of 2 years imposed by Disciplinary Authority. It is submitted that the statement of the Petitioner Union that the very proceedings against the workman are wholly misconceived and without jurisdiction cannot be accepted as the disciplinary proceedings conducted by the Department were in accordance with the VPE (CCA) Regulations 1968 and the workman was provided with all reasonable opportunities to prove his innocence. The enquiry officer held that Charge-I levelled against the workman was proved and Charge II was partly proved basing on the evidence adduced during the course of inquiry and the material evidence available on records It is submitted that the Hon'ble Tribunal may be pleased to reect the claim of the workman in this regard as action taken against the workman was in accordance with the procedure laid down in the Regulations and he was given all reasonable opportunities to defend himself and prove his innocence. There is no victimisation in this case and the management is justified in punishing the employee and the petitioner is put to strict proof of the same.

It is submitted that charge sheet for major penalty was issued to Sri P. Gurunadha Rao, Coupling Porter Gr-I on the charge that he has not reported to duty on 20-6-1984 for 1st shift and also not allowed the other Railway Operating staff who are to be reported for duty on 20-6-1984 for 1st shift. The workman committed a serious misconduct and failed to maintain absolute integrity and violated Regulation 3(i) of V.P.E. (Conduct) Regulations. While submitting his explanation to the charge sheet the workman denied the charge levelled against him. Since he denied the charge levelled against him, an enquiry was ordered and in inquiry the charges levelled against the workman was proved. The Disciplinary Authority while agreeing with the findings of the Enquiry Officer issued a show cause notice proposing the punishment of "withholding of increment for two years with cumulative effect". On appeal the Appellate Authority reduced the punishment of withholding of increment for the year without cumulative effect. The petitioner is not to strict proof that in 20-6-84 he was at hunger strike and reported to duty. The petitioner actively participated in strike and obstructed other Railway operating staff, thus instigating the workers. It is respectully submitted that the punishment imposed on the workman is absolutely legal, just and warranted. Without prejudice to the rights of the Respondent, it is respectfully submitted that the inquiry conducted against S/Sri A. Rahaman, S. Appala Narasimham, B. Krishnarao, S. Sridhara Rao, N. Appala Naidu, Ch. Anjayya Reddy, D. Ch. S.N. Murthy, M. A. Mazeed and P. Gurunadha Rao was done by the Enquiry Officers by giving full and fair opportunity to the delinquent employees, as well as the Defence Counsel/Trade Union Leader/Co-workman who have conducted the case. The petitioner Union for the first time, made an allegation that all the enquiries were not conducted as per the principles of natural justice and full opportunity was not given to the Union and the delinquent employees are victimised. In view of the said allegation, it is respectfully submitted that this Hon'ble Court may be pleased to decide the validity of the domestic enquiry as a preliminary issue before going into the merits of the case. In the event of this Hon'ble Tribunal comes to the conclusion, that inquiry was not conducted as per the principles of natural justice to permit the Respondent-Management to prove the charges before this Hon'ble Tribunal. It is respeitfully submitted that in all the above nine cases of workmen, the claims made by the Petitioner Union may be rejected as the same have no merits.

4. The point for adjudication is whether the demand of the Port and Dock Empsoyees Association for withdrawing punishments imposed against the Petitioner-workman by the Management of V.P.T. is justified ?

5. No oral or documentary evidence have been let in by both the parties.

6. The Petitioner is a Trade Union having been registered under the provisions of Trade Unions Act. It is mentioned in the that Sri V. V. Sarma took over as Plant Manager of Ore Handling Complex (OHC) in August, 1984, that the said Plant Manager reversed number of existing policies, the performance and production in the Complex was considerably reduced, that the Union made several representations to the

Government that on account of wrong policy adopted by Sri Sarma, Plant Manager, the performance in the complex is decreasing day by day, that on account of this compliance coupled with agitational programmes undertaken by the Union, the said Officer developed prejudice against the Union and started harassing and victimising the Office bearers and active members of the Union. That thus number of employees were issued with charge sheets on flimsy issues and ended in major misconduct, that he has been making complaints against the office bearers and active members of the Union to the Chief Mechanical Engineer, who is the Disciplinary Authority in respect of employees in OHC, that on the basis of untenable representations, disciplinary actions were initiated on numbtr o employees, and illegal punishments were imposed, that as the punishments imposed were not sustainable, the Petitioner Union took up the issue with the Assistant Commissioner of Labour (Central) for his intervention to withdraw the orders of punishment passed on the employees, that a strike notice was issued on 30-9-1987, as there was no meeting point, the conciliation ended in failure and hence the reference.

7. At the very outset, I would like to deal in the individual cases of each employee, First being the workman Sri A. Rahaman. The punishment imposed is penalty of reduction of pay by three stages for a period of two years without cumulative effect from 22-1-1987. The Enquiry Officer held that Charges 1 and 2 are not proved. The only charge which remains in Charge No. 3. The Enquiry Officer relied on the statement of Plant Manager to hold the workman guilty. The Enquiry Officer being inferior in rank, was forced to hold that Charge No. 3 is proved. The Plant Manager was enimical towards the workman because the workman, as General Secretary, has exposed the wrong policy of the Plant Manager which led to the framing a false case against the workman. The Asst. Commendant CISF has invited the workman and others to the office of the Plant Manager to discuss about the issue. Therefore, in good faith only the workman entered the Plant Manager's room. Subsequently a false case was made out. Infact no witnesses have stated about the incident except the statement of CISF Asst. Commandant who has changed his stand. I find the punishment is only a measure of victimisation and unfair labour practice, as the workman is the General Secretary of the Union. Moreover as per the punishment, the pay of the employee has been reduced and his increments were withheld. But the increments which fall due subsequent to the punishment were also illegally withheld for two years, which is nothing but aggravating the punishment. This confirms the victimising attitude on the part of the Respondent. In view of the above facts, I am of the clear view that the order of punishment dt. 22-1-1987 is liable to be set aside.

8. In the case of Sri S. Appala Narasimham, Asst. Foreman. The Enquiry Officer submitted the enquiry report which was furnished to the Petitioner-workman along with the show cause notice dt. 3-2-1987, clearly states that there was no evidence to prove that the employee was entrusted with the job of operation Therefore the Enquiry Officer gave benefit of dobut to the emplovee. Even the Enquiry Officer in critical analysis held that ther is no evidence to prove that public servant was entrusted with the job of operation at Area-II. Even in the finding, he has given a benefit of doubt to the public servant. Inspite of it holding that charge is partly proved, is totally illegal and baseless. Imposition of said punishment is an act of victimisation and unfair labour practice for actively associating with the Petitioner Union. Considering the above facts, I am of the firm opinion that the order of punishment passed by the disciplinary Authority dt. 3-2-1987 is liable to be set aside.

9. In the case of Sri B. Krishna Rao, Operator Grade II. The charge of the woskman in dispute that the employee is alleged to have bet the Time Keeper Sri G. Surya Rao on 12-3-1985, who was talking with General Secretary of the Petitioner Union. The finding of the Enquiry Officer would clearly show that beating the other or one assaulting the other is not established. He also held that it would establish that public servant had any quarrel to result in beating. Therefore there is no evidence to establish the charge against the workman according to the findings of the Enquiry Officer. Therefore I find that the order of punishment passed on 10-6-1986 is liable to be set aside.

10. The next workman is Sri S. Sridhar Rao, Operator Grade-II. The charge is that the workman has pasted a poster on the wall of Over Hauling Complex Canteen and that it contained indecent, vulgar and abusive language. The said poster was not exhibited in the enquiry. Although same charge was framed against two persons, another person was not held any guilty by the Enquiry Officer. Even in this case only witness to establish the charge in M.W1 who was on weekly day-off and not on duty on the date of alleged incident. Therefore I find that there is no truth in the statement of the M.W1, and that the order of punishment dt. 21-2-1986 is liable to be set aside.

11. In the case of Sri N. Appala Naido S.T.J.M. the allegation is that he did not report to the place inspite of instruction and used vulgar language on the supervisors. Only one witness was examined on behalf of the prosecution who stated that employee did not use any vulgar language. The Enquiry Officer also held that S.E. 1 is Report addressed to D.M. (R)| DTM(M)|ATM(R) but not addressed to the workman. Therefore, finding of the Enquiry Officer that charge is partly proved is based on no evidence. So find that the entire enquiry proceedings are vitiated and consequently the punishment is liable to be set aside. Hence the order dt. 29-10-1986 is set aside.

12. The next workman Sri Ch. Anjayya Reddy, C.P. Grade I. The charge is that he refused to go on third tripler inspite of instructions from authorities. The workman requested for furnishing documents and same were not furnished or exhibited in the enquiry. There is no record to establish that workman was asked to go on third tripler. In the absence of any record, the charge cannot be held proved. Even as per the evidence this job has to be carried on jointly by five persons, and other 4 persons also did not go on third Tripler. No record has been produced in respect of the punishment imposed on other four persons. Therefore under these circumstances, the finding of the Enquiry

Officer and consequential punishment is illegal and unwarranted. Hence I find that the order of punishment dt. 2-8-1986 is liable to be set aside as the finding is perverse and untenable.

13. The next workman is Sri D. Ch. N. Murthy, Coupling Operator Grade II. The charge is that he was asked to go to R & D Yard South Cabin during working hours on 14-8-1984 from North Yard. The distance is about 5 Kms., and that he had not gone there. There is no evidence to prove that there was shortage of staff at South Cabin and the workman was asked to go to that place. The evidence would clearly establish that one Sri Bhagwan Das was asked to go to R & D Yard. He came back stating that there were sufficient staff and there is no shortage at that place. Sri N. Chinna Rao, in leave reserve, stated that no message was received about shortage of staff at R & D Yard. In the absence of records requiring the workman to go over there cannot be held proved. Even the evidence of the workman is that he was asked to go without any means of transport and it would take about two hours to go by walk to that place. I find that the finding of the Enquiry Officer perverse and run counter to the evidence on record. Therefore I find that the punishment imposed on the Petitioner-workman is illegal and unjustified. The punishment imposed by the Traffic Manager on 5-9-1986 as modified by the Chairman on 19-11-1986 as illegal and unjust and it is liable to be set aside.

14. The workman Sri M. A. Mazeed, Asst. Foreman (Operation) in the Ore Handling Complex. The allegation that the receiving conveyor No. 3 was snapped. In respect of the same incident 3 other workmen were imposed with punishment and same was subject matter in I.D. No. 26 of 1989, which was awarded in favour of the workmen. The incident did not take place at H-II where the workman was on duty. Therefore, he cannot be held responsible for snapping of conveyor. The charge of absconding from the place was not proved. In respect of other charges, witnesses were not the eye-witnesses. The snapping took place only because of tension meters were not working and the automatic stopping system did not function. The Enquiry Officer's finding that the charge is partly proved is totally baseless. Hence the action amounts to victimisation and unfair labour practice. The order of punishment imposed by the Disciplinary Authority dt. 15-12-1986 as modified by the order of the Appellate Authority dt. 20-4-1987 is set aside.

15. The last workman is Sri P. Gurunadha Rao, Coupling Porter Grade-II. in the Traffic Manager Department of V.P.T. The allegation is that the General Secretary of the Union was on indefinite hunger strike, was issued on 20-6-1984 and the workman has not reported for duty and obstructed other railway staff. The enquiry was exparte enquiry and there is no evidence to establish that the workman has stopped other co-workmen. No Operating Staff were examined by the Respondent in this regard. Witnesses examined were only officers that apart, there was heavy Police patrol due to strike and no untoward incident took place on that day. Hence I find that the punishment imposed is absolutely illegal and uncalled for. So I held that the order of punishment imposed dt. 6-10-1985 and modified by the Appellate Authority orders dt. 27-11-1986 is set aside.

16. In the result, the demand of the Port & Dock Employees Association for withdrawing punishments imposed against Sarvasri A. Rahaman, S. Appala Narasimham, B. Krishna Rao, S. Sridhara Rao, D. Ch. N. Murthy, M. A. Mazid, P. Gurunadha Rao, N. Appala Naidu and Ch. Anjaiah Reddy by the Management of Visakhapatnam Port Trust is justified. All the concerned workmen are entitled for the benefits that accrue to them. The Respondent is directed to pay the arrears to all the concerned workmen within one month from the date of publication of this award.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 17th day of August, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence :

NIL

नई दिल्ली, 5 सितम्बर, 1994

का.आ. 2505 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चम्पारन क्षेत्रीय ग्रामीण बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं.-1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-94 को प्राप्त हुआ था।

[संख्या एल-12011/42/92-आईआर (बी-3)/बी-1]
राजा लाल, डैस्क अधिकारी

New Delhi, the 5th September, 1994

S.O. 2505.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Champaran Kshetriya Gramin Bank and their workmen, which was received by the Central Government on the 2-9-94.

[No. L-12011/42/92-IR(B-3)/B. I]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 135 of 1992

PARTIES.

Employers in relation to the management of Champaran Kshetriya Gramin Bank, Motihari.

AND

Their Workman.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. N. P. Singh, Senior Manager (P).

For the Workmen.—None.

STATE : Bihar. INDUSTRY : Banking.

Dated, the 17th August, 1994

AWARD

By Order No. L-12011/42/92-I.R.(B-3) dated, the 30th November, 1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Champaran Kshetriya Gramin Bank, Motihari in reducing the Cashier-in-charge allowance from Rs. 316 p.m. to Rs. 189 p.m. was justified? If not, to what relief(s) the workmen are entitled to?"

2. This reference case was received in this Tribunal on 4-12-1992. Since then three notices by registered post were sent to the sponsoring Union but till 17-8-94 none appeared on its behalf.

3. By order dated 31-5-94 the second notice was issued to the sponsoring Union for appearance on 12-7-94 at the Camp Court, Muzaffarpur with the observation that should they failed to appear it would be deemed that the sponsoring Unions had no dispute to get adjudicated. On that date also the sponsoring Union was absent. Again a notice was sent through registered post for appearance of the sponsoring Union. On 17-8-94 also none appeared on behalf of the sponsoring Union.

3. Therefore it appears that the sponsoring Union has no interest left in the case or that it has no dispute to get adjudicated. In the circumstances, I am constrained to render a 'no dispute' award.

4. Therefore a 'no dispute' award is rendered in this case.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 5 सितम्बर, 1994

का.आ. 2506 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-94 को प्राप्त हुआ था।

[संख्या एल-41012/36/87-डी-II (बी)/बी-1

राजा लाल, डैस्क अधिकारी

New Delhi, the 5th September, 1994

S.O. 2506.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on the 2-9-94.

[No. L-41012/36/87-D. II(B)/B. I]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated this 11th day of August, 1994

PRESENT :

Sri M. B. Vishwanath, B.Sc., B.L.,
Presiding Officer.

CENTRAL REFERENCE NO. 60/88

I PARTY

Sri Y. Thimappa Gowda,
S/o Y. Sherhappa Gowda,
Chendehithalu House,
Bilinele Village,
Nettana Post.
(By Sri K. R. Putturaya, Advocate)

V/s.

II PARTY

The Executive Engineer,
Construction,
Hassan-Mangalore Rly. Project,
Mangalore.
(By Sri P. Janakiram, Advocate)

AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L-41012/36/87-D. II(B) Dt. 1/10-8-1988 under Section 10(2A)(1)(d) of I.D. Act the point for adjudication as per schedule to reference is :—

"Whether the management of Hassan-Mangalore Railway Project, Southern Railway, Mangalore is justified in refusing to offer re-employment to Sri Y. Thimmappa Gowda? If not, to what relief the workman is entitled to?"

2. In the claim statement it is contended by the Imparty :—

The I party was employed in Southern Railway, Mangalore, in Hassan-Mangalore Railway project as a C.L. Special Mate (Skilled) w.e.f. 12-8-74. The I party worked in this capacity upto 10-2-75. With effect from 11-2-75 the I party was promoted as Store Issuer. The I party worked as store issuer upto 17-5-82.

The II party appreciated the work of the I party. The I party was discharging the duties to the satisfaction of his superiors.

On 17-5-82 the I party went to report for his work as usual. But the Executive Engineer H. N. N. Murthy told the I party workman orally that his services were terminated w.e.f. 17-5-82. The permanent services of the I party as store issuer have been illegally terminated without any reason or justification w.e.f. 17-5-82. The services of the I party have been terminated without any justification and without any charge against the I party and without holding any enquiry. The oral termination of the services of I party is illegal. It amounts to illegal retrenchment. There was no reason for the termination of the services of I party. The work of the project was still going on. The II party used to recruit new employees for the project while refusing the re-employment or reinstatement of I party. The I party is a poor man. He has now been unemployed. He belongs to a backward community. He has got dependants to lookafter. The I party is qualified and experienced. He has passed SSLC. He has passed several departmental examinations. Now he has no source of income. Great injustice has been done to I party. The I party has been victimised with ulterior motive. The I party is entitled to reinstatement with back wages and continuity of service.

3. In the counter statement filed by the II party it is contended :—

It is not true that I party was employed as a Special Mate (Skilled). The I party was engaged as a casual labourer on daily wages by the Inspector of Works of the Mangalore-Hassan Railway Project. He was a daily rated casual labourer in a project work.

The I party was working in the same cadre viz., casual labour, on different types of works till 17-5-82. It is not true that the I party was promoted as stated by him in the claim statement. On completion of the project work, it was not possible to retain huge labour force which was engaged for the construction of the railway line. In accordance with the provisions of the I.D. Act many casual labourers including the I party were retrenched.

The I party was given one month's notice. The I party was retrenched as per law w.e.f. 17-5-82. The I party has been paid wages upto 17-5-82 and retrenchment compensation for the period 12-8-74 to 30-4-82 (sic) amounting to Rs. 1,693.20 ps.

However the I party was offered in June 83 re-engagement of labour for seasonal work for short period. The I party did not turn up to accept the employment. The I party was not in permanent service. The I party has not been victimised. He is not entitled to reinstatement or re-employment.

As per the directions given by the Hon'ble Supreme Court in similar matters, the Railways Administration has formulated a scheme wherein the seniority list of various project casual labour employees have been made and accordingly the I party's name also appears in the list. The II party undertake to offer re-employment as per the list prepared as and when vacancy arises concerning the nature of work of I party.

The claim made by the I party is a service matter and it is the Administrative Tribunal's Act 1985 that is applicable. This Tribunal is not the forum to consider the case of the I party. The claim of the I party is barred by limitation and estoppel. The I party has accepted the retrenchment compensation and other benefits and so he is estopped from claiming any relief.

4. The I party workman has filed his rejoinder dt. 17-12-83. In the rejoinder it is contended :—

The I party was a permanent employee of II party. Though Hassan-Mangalore Railway Project is called a project it has been continuing for years together on a regular basis. It is not true that the I party was retrenched with other labourers and the labour strength was reduced in a faced manner. There was no closure of the establishment. The termination of the services of I party is illegal. The I party's case does not come under service matter. This Tribunal is the proper forum. It is not true that the claim is barred by time or estoppel. The retrenchment has not been made according to law.

5. Apart from the issue covered by the schedule to reference, my Learned Predecessor, as could be seen in the order sheet dt. 17-2-89, has framed the following two additional issues :—

1. Whether this Tribunal has no jurisdiction in view of any provision of the Administrative Tribunals Act 1985 ?

2. Whether the claim is barred by limitation or estoppel or waiver as contended by the II party ?

6. On behalf of the II party two witnesses have been examined as M. Ws. 1 and 2. On behalf of the I party he has got himself examined and closed his case.

7. There is no material to show that the I party workman was employed in any supervisory capacity and was drawing wages exceeding Rs. 1,600 per month. There is nothing to show that the I party was doing functions managerial in nature. I am of opinion that the I party is a workman and this Tribunal has jurisdiction to decide the dispute referred by the Hon'ble Ministry. So I hold additional issue No. 1 against the I party.

8. It is argued by the Learned counsel for the II party that the Railways is not an industry. It is now well established that the Railways is an industry and that if the party is workman as defined under Sec. 2(s) of the I.D. Act, this Tribunal has jurisdiction to decide the matter.

9. The Learned counsel for the II party did not show me any provision of law that there is limitation for an industrial dispute. So I hold additional issue No. 2 against the II party.

10. I now take up the main matter covered by the schedule to reference.

11. Ex. W. 1 is the service card of the I party workman. It clearly describes the I party as a special mate (Skilled). This further shows that he was working as a store issuer from 12-8-74 to 10-11-76 and

was still continuing in service as a store issuer. Ex. W. 2 is the certificate issued by the Asst. Engineer of the Railways. This shows that I party was working as a store issuer on promotion and prior to that he was a special mate skilled. Ex. W. 3 is the identity-card of the I party workman issued by the Executive Engineer, Railways. This also shows that I party workman was a store issuer.

12. Ex. M. 3 is the calculation sheet produced by the II party to show that the I party workman has accepted the compensation of Rs. 1,693.20 ps. Ex. M. 3 clearly shows that the I party workman, even accepted the compensation of Rs. 1,693.20 ps. Ex. 7 years, 9 months and 18 days from 12-8-74 to 30-4-82. The case of the I party is that his services were illegally terminated w.e.f. 17-5-82.

13. It may safely be taken that the I party working in the Railways continuously from 12-8-74 to 16-5-82, until his services were orally terminated w.e.f. 17-5-82 The I party has thus worked continuously for more than 7 years and 7 months. He was working as a store issuer from 11-8-75 till the date of termination of his services.

14. By no stretch of legal language could it be said that a skilled employee who had worked continuously for more than 7 years and a half was a casual labour working purely on temporary basis and that he was employed only till the project was complete.

15. It is contended by the Learned counsel for the II party that the I party workman has been retrenched as per the provisions of I.D. Act by paying compensation to him. It is true that the I party has received Rs. 1,693.20 ps. paid to him which, the II party says, is the retrenchment compensation. The payment of compensation is not the end of the matter regarding retrenchment. Section 25-F(a) contemplates that the workman to be retrenched should be given a month's notice in writing indicating the reasons for retrenchment. No such notice has been produced by the II party. The alleged retrenchment compensation of Rs. 1,693.20 ps. given to I party should be construed as compliance with Section 25-F(b), not compliance with Section 25-F(a), Section 25-F(c) contemplates issue of a notice in the prescribed manner on the appropriate Government before retrenching an employee. No copy of the notice has been produced to show that Section 25-F(c) has been complied with. Thus the argument of the Learned Counsel for the II party that the I party workman has been retrenched as per the provisions of the I.D. Act goes by the board. From what is stated above it is clear that two of the three conditions precedent to retrenchment have not been satisfied.

16. The Learned counsel for the II party relied on Ex. M. 5. Ex. M. 5 dt. 27-6-83 is the offer made to I party to employ him as a man mazdoor for a period of 3 months. Ex. M. 5 shows that I party's services will not be required after 11-10-83. The Learned counsel for the II party further relied on Ex. M. 11 dt. 12-12-89. In Ex. M. 11 I party has been offered to be engaged as a casual labour for a period of 2 months purely on temporary basis. No same man could have been expected to fall into the trap of II party. The I party has rightly rejected the so-called offers of re-employment as per Exs. M. 5 and 11.

17. It is maintained by the Learned counsel for the II party that as per the scheme in pursuance of the directions of the Hon'ble Supreme Court the seniority list of retrenched employees has been prepared and the name of I party is shown at Sl. No. 98 among the un-skilled labourers and the I party should take his chance. In Ex. M. 10 the I party is shown as un-skilled. I have already held above that the I party was a skilled worker. So Ex. M. 10 cannot bind the I party workman.

18. The Learned counsel for the II party relied on the decision of the Supreme Court reported in AIR 1988 S.C. 390 (Ram Kumar and others v|s. Union of India and others). This does not help the II party because it deals with casual labourers, not the permanent employees. The Learned counsel for the II party relied on 1988 (Supp) Supreme Court Cases 505. (Baijnath Singh and others v|s. Union of India and others). This deals with casual labourers in the Railways and their regularisation on satisfying the terms of the scheme which has been prepared by the Railways under the orders of the Court. This also is not applicable to the facts of the present case. The Learned counsel for the II party relied on AIR 1987 S.C. 1153 (Dakshin Railway Employees Union, Trivandru Division v|s. General Manager, Southern Railways and others). This authority also deals with casual labourers who claimed the benefits of the modified scheme. This authority also does not support the case of the II party.

19. The Learned counsel for the II party has given the zerox copy of the Judgment of the Hon'ble Central Administrative Tribunal, Bangalore Bench, Bangalore in Application Nos. 1388 & 89, 1886 and 87|86, 1420 to 22|86, 2178 to 80|85, W.P. No. 71-72|84, 2554 and 2555|85 Dt. 30-1-87. I have carefully and respectfully gone through the decision of the Hon'ble Central Administrative Tribunal. It is clear from para 3 of the order that the provisions of Section 25-F had been complied with by the railways. Secondly the decision of the Hon'ble C.A.T. relates to casual labourers, not a skilled permanent employee as in the present case. The decision of the C.A.T. does not support the II party.

20. It is argued by the Learned counsel for the II party that only the Executive Engineer has been made the party and not Railways and so the relief prayed for cannot be granted. This is a highly technical objection. While granting relief the Tribunal can suitably mould the relief. A top officer of the Railways has been made a party. So if the award is passed against him and the Railways ends of justice will be met.

21. For the aforesaid reasons, I am of opinion, that the II party was not justified in refusing to offer re-employment to I party as a store issuer. The I party workman is entitled to reinstatement. In the circumstances of the case re-employment is nothing but re-instatement.

22. All other documents and evidence not referred to by me above are not relevant. In any case they do not alter my conclusions reached above.

ORDER

The II party railways by Executive Engineer is directed to re-employ (reinstate) the I party workman as store issuer forthwith, with continuity of service w.e.f. 17-5-82. II party shall pay to the I party 50 per cent of the back wages. Award passed accordingly accepting the reference. Submit to Government.

(Dictated to Stenograyher, typed by him, corrected, signed by me on this 11th day of August 1994).

M. B. VISHWANATH, Presiding Officer,

नई दिल्ली, 6 सितम्बर, 1994

का.आ. 2507:— यतः मैसर्स मितसूई एण्ड कम्पनी लि., 234/3ए, आचार्य जे.सी. बोस रोड, कलकत्ता-20 (इसके आगे जहां कहीं भी उक्त स्थापना शब्द का प्रयोग हो, इसमें अभिप्रायः उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट की धारा 17 की उपधारा (1) के खण्ड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहां कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए, उक्त अधिनियम की धारा 17 की उपधारा एक के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. इन छूट प्राप्त स्थापनाओं के सम्बन्ध में उक्त अधिनियम और उसके अधीन सृजित स्कीम के अन्तर्गत देय अंशदान के दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगा।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगा।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बगैर नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है वहां अपनी अनुमति से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2 (च) में निश्चित किया गया है) जो सदस्य बनने के पात्र हों, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरंत सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखे में संचयों को अंतरित कराने और उसके लेखे में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. तथा 10. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेगें और केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त या उसके द्वारा अधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेंगे/न्यासी बोर्डों द्वारा रखे गये भविष्य निधि लेखों की लेखा परीक्षा वार्षिक रूप से योग्य सनदी लेखापाल द्वारा स्वतन्त्र रूप से की जायेगी/जहां भी आवश्यक होगा केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों की दुबारा लेखा-परीक्षा कराएं और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस

प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा ।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा । अंशदानों को विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है ।

13. न्यासी बोर्ड सरकार द्वारा समय-समय दिए गए निदेशों के अनुसार निधि में जमा राशियों का निवेश करेगा । प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियंत्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा ।

14. सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा ।

15. न्यासी बोर्ड एक वस्तु-वार रजिस्टर तैयार करेगा और ब्याज और विमोचन आय को समय पर वसूली सुनिश्चित करेगा ।

16. जमा किए गए अंशदानों ,निकाले गये और प्रत्येक कर्मचारी से संबंधित ब्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा ।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा ।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है । ये पास-बुकें कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा ।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखे में ब्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करें परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा ।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने से असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा ।

21. नियोक्ता भविष्य निधि की चोरी के कारण लूट-घसूट, ख्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा ।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें ।

23. उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि का सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो ।

24. स्थापना के भ.नि. नियमों में किसी बात के होते हुए भी सेवा निवृत होने अथवा किसी अन्य स्थापना में रोजगार लगने के परिणामस्वरूप किसी व्यक्ति के निधि की सदस्यता न रहने पर यदि यह देखने में आता है कि स्थापना के भ.नि. नियमों के अन्तर्गत अंशदान की दर, जब्ती आदि की दर, सांविधिक स्कीम की दरों की तुलना में कम अनुकूल हैं तो उस का अंतर नियोक्ता द्वारा दिया जाएगा ।

25. नियोक्ता, भविष्य निधि के प्रशासन से सम्बन्धित सभी खर्चे जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा ।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा ।

27. समुचित सरकार स्थापना को चालू छूट पर और शर्तें लगा सकती हैं ।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना को स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों ।

29. उक्त शर्तों में से किसी एक से उल्लंघन पर छूट रद्द की जा सकती है ।

[सं.एम.-35015/7/93-एम.एस.-II)]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 6th September, 1994

S.O. 2507.—Whereas M/s. Mitsui & Company Ltd., 234/3A, Acharya J. C. Bose Road, Calcutta, (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees herein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident

fund benefits which on the whole are not less favourable to the to the employees than the benfits provided under the said Act or under the Employees' Providen Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed here to the Central Government hereby exempts the asid establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of establishmen' shall at no time be lower those payable under the said Act in respect of the un-exemped e'sablishment and the said Scheme framed thereunder.

In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the Scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. The employer shall not towever make any other amendment in its P. C. rules without the approval of Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2(f) of the said Act who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a members of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his es'ablishment, the employer shall immediately enroll him as a meber of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund accouording to such directions as may be given by the Central Proident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payment from the provident fund an dthe balances in their custody.

9. The Board of Trustee shall meet at least once in every three months and shall function in accordance with the guidelines that may be issues from time to time by the Central Government|Central Provident Fund Commissioner or and ojcer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Charaered Accountant annually. Where considered necessary, the Control Provident Fund Commissionar shall have the right to have the accounts re-audited by any other qualiked auditor and the expenses so incurred shall be borne by the employer.

11. A copy to the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple in terest for any delay in paymant of the es'ablishment is liable in similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. Tre securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India

14. Failure to make investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to sucharges as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of accounts to every employee within six months of the close of financial|accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employees. Those pass book shall remain in the custody of the employees and will be brought uptodate by the Board on presentation by the employees.

19. The accounts of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate

as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by he Central Government of the reason That the return on invesment is less or for any other reason than the deficiency shall be made good by the employer.

21. The employer shall also make good any other less that may be cause to the Provident Fund due to theft burglary, defalcation his-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commisiioner as the Central Government Central Provident Fund Commissioner may prescribed from time to time.

23. If the Provident Fund rules of the establyishment provide for forfeiture of the employees' contribution in cases where an employees ceasses to be a member of the fund on the lines of para 69 of the said Scheme, the Board of trustees shall maintain a separate account of the amount so forferited priod to 1-1-90 utilise by the B-O-T for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Nothwithstanding any thing con'ained in the Provident Fund Rules of the establishment, if on the ceasation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is founl that the rate or contribution rate of forfeiture etc., under he P. F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all he expenses of the administration of the provident fund including he maintenance of accounts, submission of returns, transfer of accumulations.

26.The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropria e authority and as and when amended thereto alongwi h a translation of the salient points thereof in the language of majority of the employees.

27. The appropriate Government may lay down any further conti'ions for continued exemption of the establishment.

28. The employer shall enhance the rate of provident fund con'ributions appropriately if the rate of provident fund contribution is enhanced uder the said Act so that the henefits under the Provident Fund Scheme of the establishment shall not become less favourable when the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015|93-SS.II]
J. P. SHUKLA, Under Secy.

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